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THE

# ACTS AND RESOLVES,

PUBLIC AND PRIVATE,

OF THE

## PROVINCE OF THE MASSACHUSETTS BAY:

TO WHICH ARE PREFIXED

THE CHARTERS OF THE PROVINCE.

WITH

HISTORICAL AND EXPLANATORY NOTES, AND AN APPENDIX.

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PUBLISHED UNDER CHAPTER 87 OF THE RESOLVES OF THE GENERAL COURT  
OF THE COMMONWEALTH FOR THE YEAR 1867.

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ACTS,  
PASSED 1715-16.

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# ACTS

PASSED AT THE SESSION BEGUN AND HELD AT BOSTON,  
ON THE TWENTY-FIFTH DAY OF MAY, A.D. 1715.

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## CHAPTER 1.

### AN ACT AGAINST BURGLARY.

WHEREAS, notwithstanding the laws already made for the punishing of criminal offenders, many persons of late have been so hardy as to break open in the night the dwelling-houses of several of his majesty's good subjects, and have not only stolen their goods, but put them in fear and danger of their lives,—

*Be it therefore enacted by the Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

That if any person or persons shall hereafter, in the night-time, break and enter into any dwelling-house then inhabited, with a felonious intent to rob or kill, or to do some other felony, he or they so offending, and being thereof convicted, shall be adjudged to suffer the pains of death; any former law, usage or custom to the contrary notwithstanding. [*Passed June 14.*]

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## CHAPTER 2.

### AN ACT FOR ALTERING THE TIME FOR HOLDING THE COURT OF GENERAL SESSIONS OF THE PEACE, AND INFERIOUR COURT OF COMMON PLEAS, WITHIN THE COUNTY OF BARNSTABLE.

WHEREAS the times by law appointed for holding the court of general sessions of the peace, and inferiour court of common pleas at Barnstable, for the county of Barnstable, on the first Tuesday in October, January and April, yearly, are found inconvenient by reason of some other courts held within this province at the same times; for remedy whereof,—

*Be it enacted by His Excellency the Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

That the said court of general sessions of the peace, and court of common pleas, appointed to be held at Barnstable, for the county of Barnstable, upon the first Tuesday of October, January and April, be henceforth holden and kept at Barnstable aforesaid on the third Tuesday of October, January and April, annually; any law, usage or custom[c] to the contrary notwithstanding. [*Passed June 14.*]

## CHAPTER 3.

AN ACT FOR THE BETTER PRESERVING, INCREASING AND SECURING  
NAVAL STORES (PARTICULARLY TAR, TURPENTINE AND ROZIN)  
WITHIN THIS PROVINCE.

WHEREAS there has been great waste and stroy made of pine trees,  
and other timber, within this province; for prevention whereof,—

*Be it enacted by His Excellency the Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

See 1694-5,  
chap. 14.

That, from and after the publication of this act, no person or persons may presume to cut or carry off any tree, trees or timber, bark[e] or box any pine tree or trees for the drawing of turpentine, standing upon any of the lands belonging to this province, proprietries, townships or particular persons, without leave or licence first had and obtained from the owner or owners thereof, on pain of forfeiting and paying the sum of twenty shillings for every tree so cut or removed, barked or boxed; and the turpentine drawn from them, when found either in the trees aforesaid, barrel[1]s, or other vessel[1]s lying upon the said lands, to be alike forfeited: one moiety thereof to the respective owners of the said land and trees, the other moiety to be to him or them that shall inform or sue for the same before any justice of the peace in the county where the offence is committed, if the forfeiture exceed not forty shillings, but if above that value, in any of his majesty's courts of record within this province. [Passed June 21.]

# ACTS

PASSED AT THE SESSION BEGUN AND HELD AT BOSTON,  
ON THE TWENTIETH DAY OF JULY, A.D. 1715.

## CHAPTER 4.

AN ACT FOR BUILDING AND MAINTAINING A LIGHTHOUSE UPON THE  
GREAT BREWSTER (CALLED BEACON ISLAND) AT THE ENTRANCE OF  
THE HARBOUR OF BOSTON.

WHEREAS the want of a lighthouse at the entrance of the harbour of Boston hath been a great discouragement to navigation by the loss of the lives and estates of several of his majestie's subjects; for prevention whereof,—

*Be it enacted by His Excellency the Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

[SECT. 1.] That there be a lighthouse erected at the charge of the province, on the southermost part of the Great Brewster, called Beacon Island, to be kept lighted from sun-setting to sun-rising.

[SECT. 2.] That from and after the building of the said lighthouse, and kindling a light in it, useful[1] for shipping coming into or going out of the harbour of Boston, or any other harbour within the Massachusetts Bay, there shall be paid to the receiver of impost, by the master of all ships and vessel[1]s, except coasters, the duty of one penny per tun, inwards, and also one penny per tun, outwards, and no more, for every tun of the burthen of the said vessel[1], before they load or unl[oad][ade] the goods therein. Duty to be paid.

[SECT. 3.] And that all vessel[1]s having two decks shall be measured upon the main deck, from the stem to the stern-post, then subducting the breadth from outside to outside athwart the main beam, the remainder to be accounted her length by the k[c][i]el, which being multiplied by the breadth aforesaid, and the product thereof multiplied by one-half of the said breadth as the depth of the hold, and the whole product divided by one hundred, the quotient shall be accounted the tun[n]age of said ship or vessel[1]; and all ships or other vessels having a single deck or deck-and-half to be measured in the same manner (except the depth in [the] hold) which shall be from the underside of the main beam to the c[ie][ei]ling. Measure of  
Vessels.  
1697, chap. 3,  
§ 15.

[SECT. 4.] That none shall be accounted coasters by this act, but such who import only provisions, tar, pitch, turpentine or lumber, whose owners belong to this province, or the provinces or colon[ie][y]s of Rhode Island, Connecticut, New York, Jerseys, Pensylvania, Maryland, Virginia, North Carolina and Nova Scotia, and that are *bona fide* bound to some of the forementioned governments; all such coasters to pay only two shillings each time they clear out. Coasters, who.

[SECT. 5.] That all fishing vessel[1]s, wood-sloops, &c., imploy'd in bringing of fish, wood, stones, sand, lime or lumber, from any of the

parts within this province, coming into said harbour of Boston, &c., pay five shillings at their first coming in or going out, and no further payment to be demanded of them by the space of one year next following.

Duties how to  
be recovered.

[SECT. 6.] And the commissioner or receiver of impost is hereby impowred by himself or deput[ie][y]'s, by him to be appointed, to collect and receive the several dut[ie][y]'s aforesaid; to sue for and recover the same by action of debt in the inferiour court of common pleas, in the county where said vessel[1] loads or unloads, wherein no essoi[y]n or wager of law shall be allowed, nor more than one imparlance; and where the sum does not exceed forty shillings, before one single justice of the peace.

Commissioner  
to attend at  
certain hours.

[SECT. 7.] And the commissioner of [the] impost, or deputy, shall attend at his office at certain hours *de die in diem*, for entring ships and vessel[1]s, and to give certificate of paying the duty thereof to the naval officer, for which he shall demand and receive sixpence, and no more.

Naval officer  
not to clear un-  
til, &c.

[SECT. 8.] And no ships or vessels shall be cleared by the naval officer, until such certificate be produced that the duty of the lighthouse be paid; and the ship, with master, shall be charged with the duty thereof, till paid to the commissioner of impost.

*And be it further enacted by the authority afores[ai]d,*

Keeper of the  
lighthouse  
carefully to at-  
tend his duty.

[SECT. 9.] That the person who shall be appointed from time to time, by the general court or assembly, to be the keeper of the sa[id][me] lighthouse shall carefully and diligently attend his duty at all times in kindling the lights, from sun-s[e][i]tting to sun-rising, and placing them so as they may be most seen by vessel[1]s coming in or going out; and upon conviction of neglect of his duty, before the court of general sessions of the peace within the county, shall be l[i][y]able to be fined, according to the degree and circumstance[s] of his offence, not exceeding one hundred pounds, two-thirds thereof to be to his majesty, to and for the support of the government of this his majest[ie][y]'s province, and the other third part thereof to the person or persons that shall inform of such neglect; to be recovered by bill, plaint or information in any of his majesty's courts of record within this province. [Passed July 23.]

Penalty.

## CHAPTER 5.

### AN ACT FOR THE MORE SAFE KEEPING THE REGISTRY OF DEEDS AND CONV[E][A]YANCES OF LANDS.

1697, chap. 21,  
§§ 1 and 5.

WHEREAS the registering of deeds and conv[e][a]yances of lands hath, for a long time past, proved very beneficial upon many acco[un][mp]ts,—

*Be it therefore enacted by His Excellency the Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

[SECT. 1.] That for the more safe and convenient keeping the registry of deeds and conv[e][a]yances as aforesaid, there shall be chosen in each county within this province, some discreet, suitable person, having a freehold within the same to the value at least of ten pounds per annum, to be register in such county, who shall be chosen by the votes of the freeholders of each respective town, at their meeting in March next, by the same rule and method as by law is prescribed for the choosing of county treasurers.

[SECT. 2.] And the person so chosen and accepting thereof, being

first sworn[e] before the superiour or inferiour court, or two justices within the county, *quorum unus*, shall be and continue in the aforesaid office five years, unless removed or displaced by order of the court of general sessions of the peace in such county, for misdemeanour or failure in his duty; the said officer to give bond to the value of five hundred pounds, with two sureties for the faithful discharge of his trust.

[SECT. 3.] And in case of non-acceptance, death or removal of any such person so elected, two or more of his majest[ie][y]s justices within such county, *quorum unus*, are hereby impowred to grant out their warrants directed to the selectmen of the several towns within such county, ordering them forthwith to convene the freeholders of their respective towns and proceed to the choice of some other meet person: the votes to be brought in as aforesaid.

[SECT. 4.] And that there shall be a publick office in the shire town of each county within this province, for registering of deeds and conv[e][a]yances as aforesaid.

[SECT. 5.] And that the fees for registering shall be the same as is therefor already by law established; any law, usage or custom to the contrary notwithstanding. <sup>1697, chap. 21, § 5.</sup> [Passed July 26.]

## CHAPTER 6.

### AN ACT IN ADDITION TO AN ACT FOR REGULATING FEES.

WHEREAS, in the aforesaid act, there is not mention made of the fees to be taken for many things which may from time to time be ent[e]red, recorded, registred and copied, either in the secretary, or clerks' offices, of the several courts within this province,— <sup>1692-3, chap. 37. 1697, chap. 21, § 5.</sup>

*Be it therefore enacted by His Excellency the Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

That no officer whatsoever shall ask[e], demand and take any more than twelvepence a page, each page containing twenty-eight lines, eight words in a line, and so proportionable, for the entring, recording, registering and copying all and every matter, and thing whatsoever, on pain of forfeiting and paying the like sum of ten pounds, as by the aforesaid law is provided. [Passed July 26.]

## CHAPTER 7.

### AN ACT IN ADDITION TO AN ACT OF LIMITATION FOR QUIETING OF POSSESSIONS.

WHEREAS the limitation of time for the continuance of possession by the aforesaid act, did not extend or was understood to extend unto any houses or lands lying to the eastward of Piscataqua River, or in other the frontiers refer[r]d to in said act; but a further time was enlarged and lengthened out for the space of five years next after the ending of the war with the Indians, during which space all persons might pursue their right and claim to any houses and lands lying in those parts: and forasmuch as, since the enacting the aforesaid law, the peace was made and concluded with the said Indians in the tenth year of the reign of his late majesty King William; notwithstanding which, the aforesaid <sup>1697, chap. 22.</sup>



Indians broke out again into open war and rebellion, in the second year of her late majesty's reign, and continued the same until the last year; by reason of which ruptures persons could not, without great hazard and difficulty, pursue their right and claim[e] to houses and lands lying to the eastward of Piscataqua River, or in other the aforesaid frontiers; and inasmuch as the settling of the eastern parts and frontiers will be of great benefit to this province, the accomplishment whereof will be very much retarded and hindered unless persons can be secured in their purchases and possessions,—

*Be it therefore enacted by His Excellency the Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

[SECT. 1.] That there shall be a further time of five years from the last of this instant July, one thousand seven hundred and fifteen, allowed all persons to pursue their right and claim to any houses and lands in those parts and places, and every of them, and no longer; and all actions and processes to be thereafter brought for the same are hereby excluded and for ever debarred: *provided, always,* that there shall be a saving of all publick lands belonging to this province not orderly disposed of: *provided, also,* that this act shall not be understood to bar the title of any infant, *feme covert*, or person *non compos mentis*, imprisoned or in captivity; who shall be allowed the term of five years next after such imperfection removed, to pursue their claim or challenge to any houses or lands wherein they have interest or title.

[SECT. 2.] And the time of five years shall be allowed to persons having an estate in rever[sio][cō]n in any houses or lands, from the time such rever[sio][cō]n falls, to recover their right.

[SECT. 3.] And persons beyond sea shall be allowed the term of ten years from the publication of this act, to pursue their claim and challenge to any houses or lands as aforesaid. [*Passed July 28.*]

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## CHAPTER 8.

### AN ACT FOR GRANTING UNTO HIS MAJESTY SEVERAL RATES AND DUTYS OF IMPOST AND TUNNAGE OF SHIPPING.

WE, his majesty's loyal and dutifull subjects, the representatives of this his majesty's province of the Massachusetts Bay, in New England, taking into consideration the necessity of granting a supply of money for the defreying the growing charges for support of the government within this his majesty's province; for discharge and payment of the debts already due from the province, and the subsisting and paying of wages to souldiers employed in his majesty's service at the castle and forts within this province; for payment of the salaries and allowances to the officers employed in and about the execution of this act; and such other salaries, gratuities and allowances as have been or shall be made and granted by the general assembly, or directed by any act thereof to be made out of the province treasury; have cheerfully and unanimously given and granted, and do hereby give and grant, unto his most excellent majesty, to the ends, uses and intents aforesaid, the several dutys of impost upon wines, liquors, goods, wares and merchandizes that shall be imported into this province, and tunnage of shipping, hereinafter mentioned and expressed; and pray that it may be enacted,—



*And be it accordingly enacted by his Excellency the Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

[SECT. 1.] That from and after the publication of this act there shall be paid by the importer of all wines, liquors, goods, wares and merchandizes that shall be imported into this province from the place of their growth (salt, cotton-wool, provisions and every other thing of the growth and produce of New England excepted), the several rates and duties of impost following:—

For every pipe of common wine of the Western Islands, fifteen shillings.

For every pipe of Canary or Malago, twenty-five shillings.

For every pipe of Madera or Passado, twenty shillings.

For every pipe of port wine or other sorts not mentioned, fifteen shillings.

For every hogshead of rum, containing one hundred gallons, the sum of fifteen shillings.

For every gallon of rum or other spirits distilled, the sum of one penny pr. gallon.

For every hundred pound sterling in English merchandize, prime cost, twenty shillings.

For every hogshead of sugar, two shillings.

For every hogshead of molasses, one shilling.

For every hogshead of tobacco, two shillings and sixpence.

For every tun of logwood, three shillings.

And so proportionably, for greater or lesser quantitys, for all other commodities, goods or merchandize not mentioned nor excepted, one penny for every twenty shillings value.

[SECT. 2.] And for any of the above wines, liquors, goods, wares, merchandizes, &<sup>7a</sup> that shall be imported into this province from any other ports than the places of their growth and produce, there shall be paid by the importer double the value of impost appointed by this act to be received for every species above mentioned, unless they do, *bona fide*, belong to the inhabitants of this province, and came upon their risque from the port of their growth.

*And be it further enacted by the authority aforesaid,*

[SECT. 3.] That all the aforesaid imposts, rates and duties shall be paid in currant money, or in the bills of credit of this province, by the importer of any wines, liquors, goods or merchandizes, unto the commissioner and receiver to be appointed, as is hereinafter directed, for entering and receiving of the same, at or before the landing of any wines, liquors, goods or merchandizes. And all entries where the impost or duty to be paid doth not exceed four shillings, shall be made without charge to the importer: and not more than sixpence to be paid for any other single entry to what value soever.

*And be it further enacted by the authority aforesaid,*

[SECT. 4.] That all masters of ships or other vessels coming into any harbour or port within this province from beyond sea, or from any other province or colony, before bulk be broken and within twenty-four hours after his arrival in such harbour or port, shall make a report to the commissioner or receiver of the impost, to be appointed as hereafter mentioned, of the contents of the loading of such ship or vessel, without any charge or fee to be demanded or paid for the same; which report such master shall give in to the said commissioner or receiver, under his hand, and shall therein set down and express the quantities and species of the wines, liquors, goods and merchandizes laden on such ship or vessel, with the marks and numbers thereof, and to whome the

same is consigned, and also make oath that the said report or manifest of the contents of his loading, so to be by him given in under his hand as aforesaid, contains a just and true accompt, to the best of his knowledge, of the whole lading taken on board and imported in said vessel from the port or ports such vessel came from, and that he hath not broken bulk nor delivered any of the wines, rum or other distill'd liquors, loaden on said ship or vessel, directly or indirectly, and that if he shall know of any more wines, liquors, goods or merchandizes to be imported therein before the landing thereof, he will cause it to be added to his manifest, which oath the commissioner or receiver is hereby impowred to administer; after which such master may unload and not before, on pain of one hundred pounds, to be forfeited and paid by each master that shall neglect his duty in this behalfe.

*And be it further enacted by the authority aforesaid,*

[SECT. 5.] That all merchants, factors or other persons, importers, being owners of, or having any of the wines, liquors, goods, wares or merchandizes consigned to them, that by this act are liable to pay impost or duty, shall, by themselves or order, make entry thereof in writing under their hands, with the said commissioner or receiver, and produce unto him the original invoice thereof, and pay the duty and impost by this act required, before such wines, liquors, goods, wares or merchandizes be landed or taken out of the vessel in which the same shall be imported, on pain of forfeiting all such wines, liquors, goods, wares, or merchandizes so landed or taken out of the vessel in which the same shall be imported.

[SECT. 6.] And no wines, liquors, goods, wares or merchandizes that by this act are liable to pay impost or duty, shall be landed on any wharffe or into any warehouse or other place, but in the day-time only, and that after sunrise and before sunset, unless in the presence of and with the consent of the commissioner or receiver, on pain of forfeiting all such wines, liquors, goods, wares and merchandizes, and the lighter, boat or vessel out of which the same shall be landed or put into any warehouse or other place.

[SECT. 7.] And if the commissioner or receiver shall suspect that any merchant, factor or other person to whome any wines, liquors, goods or merchandizes comes consigned, does not, in the entry or writing thereof to be given under his hand as aforesaid, make a full and perfect entry of such wines, liquors, goods and merchandizes, or that the invoices thereof, produced and shewn by any person or persons, as by this act is directed, are not really and *bona fide* the original invoices of the wines, liquors, goods and merchandizes such person or persons should then enter, in every such case the commissioner or receiver is hereby ordered and directed not to admit such person or persons to any entry of the said wines, liquors, goods or merchandizes until he or they shall have made oath to the truth of said writing or invoice by him or them presented as aforesaid, which oath the commissioner or receiver is hereby impowred to administer. And if such person or persons shall not have and produce any invoice of the quantity of the rum or liquors to him or them consigned, then the caske wherein the same is, shall be gauged at the charge of the importer, that the quantity thereof may be known.

*And be it further enacted by the authority aforesaid,*

[SECT. 8.] That every merchant or other person, importing any wines into this province, shall be allowed twelve pr. cent for leakage: *provided*, such wines have not been filled up on board; and that every hogshead, butt or pipe of wine that hath two-thirds parts thereof leaked out, shall be accounted for outs, and the merchant or importer to pay no impost or duty for the same. And no master of any ship or other vessel

shall suffer any wines to be filled up on board without giving a certificate of the quantity so filled, under his hand, before the landing thereof, to the commissioner or receiver of the impost in such port, on pain of forfeiting the sum of fifty pounds.

[SECT. 9.] And if it be made appear that any wines imported in any ship or vessel be decayed at the time of unlading thereof, or in twenty days afterwards, oath being made, if required, before the commissioner or receiver that the same hath not been landed above that time, the duties and impost paid for such wine shall be repaid unto the importer thereof.

*And be it further enacted by the authority aforesaid,*

[SECT. 10.] That the master of every ship or vessel importing any wines, liquors, goods, wares or merchandizes, shall be liable to and shall pay the impost for such and so much thereof, contained in his manifest, as shall not be duly entred, and the duty paid for the same, by the person or persons to whome such wines, liquors, goods, wares or merchandizes are or shall be consigned. And it shall and may be lawfull to and for the master of every ship or other vessel to secure and detain in his hands, at the owner's risque, all such wines, liquors, goods, wares or merchandizes imported in such ship or vessel, until he shall receive a certificate from the commissioner or receiver of the impost that the duty for the same is paid, and until he be repaid his necessary charges in securing the same; or such master may deliver such wines, liquors, goods, wares or merchandizes as are not entred, unto the commissioner or receiver of the impost in such port, or his order, who is hereby impowred and directed to receive and keep the same at the owner's risque until the impost thereof with charges be paid, and then to deliver such wines, liquors, goods or merchandizes as such master shall direct.

*And be it further enacted by the authority aforesaid,*

[SECT. 11.] That the commissioner or receiver of the impost in each port shall be and hereby is impowred to sue the master of any ship or vessel for the impost or duty, for so much of the lading of wines, liquors, goods, wares and merchandizes imported therein, according to the manifest by him to be given upon oath as aforesaid, as shall remain not entred, and the duty or impost thereof not paid; and where the goods, wares or merchandizes are such as that the value thereof is not known, whereby the impost to be recovered of the master for the same cannot be ascertain'd, the owner, or person to whome such goods, wares or merchandizes are or shall be consigned, shall be summoned to appear as an evidence at the court where suit for the impost and duty thereof shall be brought, and be there required to make oath to the value of such goods, wares or merchandizes.

*And be it further enacted by the authority aforesaid,*

[SECT. 12.] That the ship or vessel, with her tackle, apparel and furniture, the master of which shall make default in anything by this act required to be performed by him, shall be liable to answer and make good the sum or sums forfeited by such master according to this act, for any such default, as also to make good the impost or duty for any wines, liquors, goods, wares or merchandizes not entred as aforesaid; and upon judgement recovered against such master, the said ship or vessel, or so much of the tackle or appur<sup>ces</sup> thereof as shall be sufficient to satisfy said judgment, may be taken in execution for the same. And the commissioner and receiver of the impost is hereby impowred to make seizure of such ship or vessel, and detain the same under seizure until judgment be given in any suit to be commenced and prosecuted for any of the said forfeitures or impost, to the intent that, if judgment be rendered for the prosecutor or informer, such ship or vessel and appur<sup>ces</sup> may be exposed for satisfaction thereof as is before provided, unless the

owners, or some on their behalfe, for the releasing of such ship or vessel from under seizure and restraint, shall give sufficient security to the commissioner or receiver of the impost that seized the same, to respond and satisfie the sum or value of the forfeiture and dutys, with charges, that shall be recovered against the master thereof upon suit to be brought for the same as aforesaid; and the master occasioning such loss and damage unto his owners, through his default or neglect, shall be liable unto their action for the same.

*And it is further enacted,*

[SECT. 13.] That the naval officer within any of the ports of this province shall not clear or give passes to any master of any ship or other vessel outward bound, until he shall be certified, by the commissioner and receiver of the impost, that the impost and dutys for the goods last imported in such ship or vessel are paid or secured to be paid. And the commissioner or receiver of the impost is hereby impowred to allow bills of store, to the master of any ships or vessels importing any wines or liquors, for such private adventures as shall belong to the master and seamen of such ship or other vessel, at the discretion of the commissioner or receiver, not exceeding three pr. cent of the lading; and the dutys payable by this act for such wines or liquors, in such bills of store mentioned and expressed, shall be abated.

*And be it further enacted by the authority aforesaid,*

[SECT. 14.] That all penalties and forfeitures accruing or arising by virtue of this act shall be one-halfe to his majesty, for the uses and intents for which the aforementioned dutys of impost are granted, and the other halfe to him or them that shall seize, inform and sue for the same, by action, bill, plaint or information, in any of his majesty's courts of record, wherein no essoign, protection or wager of law shall be allowed; the whole charge of prosecution being taken out of the halfe belonging to the informer.

*And be it further enacted by the authority aforesaid,*

[SECT. 15.] That there shall be paid by the master of every ship or other vessel, coming into any port or ports in this province to trade or traffick, the major part of the owners whereof are not belonging to this province, except such vessels as belong to the provinces or colonys of Pensylvania, West and East Jersey, New Yorke, Connecticut or Rhod Island, every voyage such ship or vessel does make, the sum of eighteen pence pr. tun, or one pound of good new gunpowder, for every tun such ship or vessel is in burthen, to be paid unto the commissioner or receiver of the dutys of impost, and to be employed for the supply of his majesty's castle and forts within this province.

[SECT. 16.] And the said commissioner is hereby impowred to appoint a meet and suitable person to repair unto and on board any ship or vessel to take the exact measure or tunnage thereof, in case he shall suspect that the register of such ship or vessel doth not express and set forth the full burthen of the same, the charge thereof to be paid by the master or owner of such ship or vessel, before she be cleared, in case she appear to be of greater burthen; otherwise, to be paid by the commissioner out of the money received by him for impost, and shall be allowed him, accordingly, by the treasurer in his accompts. And the naval officer shall not clear any vessel until he be also certified by the said commissioner that the duty of tunnage for the same is paid, or that it is such a vessel for which none is payable according to this act.

*And be it further enacted by the authority aforesaid,*

[SECT. 17.] That there be one fit person, and no more, nominated and appointed by this court as a commissioner and receiver of the aforesaid dutys of impost and tunnage of shipping, and for the inspection, care and management of the said office and whatsoever relates thereunto, to



receive commission for the same from the governour or commander-in-chief for the time being, with authority to substitute and appoint a deputy receiver in each port, besides that wherein he resides, and to grant warrants to such deputy receivers for their said place, and to collect and receive the impost and tunnage of shipping aforesaid, that shall become due within such port, and to render the accompts thereof and pay in the same to the said commissioner and receiver; which said commissioner and receiver shall keep fair books of all entrys and dutys arising by virtue of this act, and the same to ly open, at all seasonable times, to the view and perusal of the treasurer and receiver-general of this province, with whome he shall accompt for all collections and payments, and pay in all such moneys as shall be in his hands, as the treasurer shall demand it. And the said commissioner and receiver and his deputy and deputys, before their entring upon the execution of the said office, shall be sworn to deal truly and faithfully therein; and shall attend in the office from nine to twelve of the clock in the forenoon and from two to five of the clock in the afternoon.

[SECT. 18.] And the said commissioner and receiver for his labour, care and expences in the said office shall have and receive, out of the province treasury, the sum of seventy pounds pr. annum. and his deputy or deputys to be paid, for their service, such sum and sums as the said commissioner and receiver with the treasurer shall agree, upon reasonable terms. And the treasurer is hereby ordered, in passing and receiving the said commissioner's accompt, accordingly to allow the payment of such salary or salaries, as aforesaid, to himselfe and his deputy or deputys.

*Provided, that—*

[SECT. 19.] This act shall continue in force from the publication thereof until the twenty-ninth day of June, which will be in the year of our Lord one thousand seven hundred and sixteen, and no longer.  
[Passed July 23.]

## CHAPTER 9.

AN ACT GRANTING UNTO HIS MAJESTY AN EXCISE UPON WINES, LIQUORS AND OTHER STRONG DRINK SOLD BY RETAIL.

WE, his majesty's loyall and dutifull subjects, the representatives of the province of the Massachusetts Bay, in general court assembled, considering the present debts of the province, and charge for the support of the government, the necessary defence of his majesty's subjects, and for drawing in the bills of publick credit issued for the service of the government, have cheerfully and unanimously given and granted, and do hereby give and grant unto his most excellent majesty, for the ends and uses abovementioned, and for no other, an excise upon all wines, brandy, rum and other spirits, beer, ale, cyder, perry, mead or mixt drink whatever, sold by retaile in this province, to be levied, raised, collected and paid by and upon the several taverners, inholders, common victuallers, keepers of coffee-houses and retailers, within each respective county, in manner and proportion following; that is to say,

For and within the county of Suffolk, six hundred pounds,	£600	0s.	0d.
For and within the county of Essex, three hundred twenty-three pound,	323	0	0
For and within the county of Middlesex, one hundred seventy-five pounds,	175	0	0

For and within the county of Plymouth, fifty-two pounds,	£52 0s. 0d.
For and within the county of Barnstable, forty-nine pounds,	49 0 0
For and within the county of Bristol, fifty pounds,	50 0 0
For and within the county of Hampshire, twenty pounds,	20 0 0
For and within the county of Yorke, seventeen pounds,	17 0 0
For and within Dukes county, fourteen pounds,	14 0 0
In the whole, thirteen hundred pounds,	£1,300 0s. 0d.

And pray that it be enacted,—

*And be it accordingly enacted by His Excellency the Governour, Council and Assembly in General Court assembled, and by the authority of the same,*

[SECT. 1.] That the aforesaid excise, amounting to the sum of thirteen hundred pounds, shall, by the justices of the respective courts of general sessions of the peace, at their first court after the twenty-ninth day of June, in the present year one thousand seven hundred and fifteen according to the time prefixed and stated by law for holding the same, or at their next meeting upon the adjournment of any court before holden, be levied, laid and duly apportioned, according to their good discretion, to and upon the several taverners, inholders, common victuallers, keepers of coffee-houses and retailers within their county, in proportion to the sum set for such county to pay as afores<sup>d</sup>, and that before the granting or renewing of licences the justices do advise, consider and determine what part and how much of the said sum shall be levied on, and paid by, each person to whom licence shall be granted, for his draught.

[SECT. 2.] And the said justices shall cause every person and persons so licensed to enter into recognizance to his majesty, with one or more sufficient sureties, before one or more of the justices of such court, well and truly to pay the sum set and apportioned upon them, as aforesaid, to the treasurer and receiver-general of the province, by two even and equal payments, before the full expiration of each halfe of the said year, before they receive their licences out of the clerk's office; and the clerk shall transmit to the treasurer a list of the names of all the persons licensed and the sums they are respectively to pay.

[SECT. 3.] And the justices of the respective courts aforementioned, granting licences as aforesaid, are to attend the several directions of the law entituled “An act against intemperance, immorality and prophaness,\* and for reformation of manners,” except what is otherwise directed to and attended in this act; and further, that no person shall have his licence renewed before he makes it appear that his former excise is paid to the treasurer or one deputed by him to receive it.

*And be it further enacted by the authority aforesaid,*

[SECT. 4.] That no person shall presume to keep a coffee-house for the selling coffee, tea, chocolate or any distilled liquours, but who shall be licensed in such manner as is provided in and by the law for persons admitted as taverners or inholders; and such coffee-houses shall be liable to the same inspections and regulations, with respect to good orders and paying an excise, as all publick houses of entertainment are.

*Provided,*

[SECT. 5.] That this act shall continue in force from the publication thereof to the twenty-ninth day of June, anno 1716. [Passed July 23.]

## CHAPTER 10.

AN ACT FOR ESTABLISHING A RULE FOR THE APPORTIONING OF TOWN AND COUNTY ASSESSMENTS FOR THE YEAR SEVENTEEN HUNDRED AND FIFTEEN.

*Be it enacted by His Excellency the Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

That all town and county rates and assessments for this present year be apportion'd by the assessors or selectmen, of the several towns and precincts within this province, upon the inhabitants and estates within the same, according to the rules and directions that the town and county rates were ordered to be assess'd and collected by, in the year one thousand seven hundred and fourteen. [*Passed July 23.*]

## CHAPTER 11.

AN ACT FOR APPORTIONING AND ASSESSING A TAX OF ELEVEN THOUSAND POUNDS, UPON POLLS AND ESTATES.

WHEREAS the great and general court or assembly of the province of the Massachusetts Bay in New England, at their several sessions in November, 1710,\* and in May, 1711.† did make and pass two several grants of taxes, on polls and estates, as funds and security for the repayment and drawing in several sums in the bills of credit on this province ordered to be imprinted, repeated and issued out of the publick treasury for the service of the government : that is to say, at their session begun and held the twenty-fifth of October, 1710, a grant of five thousand pounds, and at their session begun and held the thirtieth day of May, 1711, a grant of seventeen thousand pounds, applyed to the ends and uses in the said respective grants particularly enumerated and expressed ; and, by the resolves of the court that made the aforesaid grants, it was then ordered that the said sum of twenty-two thousand pounds should be apportioned, assessed and levyed on polls, and estates both real and personal, within this province, according to such rules and in such proportion, upon the several towns and districts within the same, as shall be agreed on and ordered by this court in their present session : wherefore, for the ordering, directing and perfecting of the said eleven thousand pounds, which, with the sum of two thousand pounds in the treasury, two thousand pounds interest of the loan money, and seven thousand pounds by the impost, excise and tunnage of shipping, past this present session, will make the said sum of twenty-two thousand pounds, pursuant to the funds and grants aforesaid, which is unanimously approved, ratified and confirmed ; and we, his majesty's loyal and dutifull subjects, the representatives in general court assembled, pray that it may be enacted,—

*And be it accordingly enacted by His Excellency the Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

[SECT. 1.] That each town and district within this province be assessed and pay as such town's and district's proportion of the aforesaid eleven thousand pounds, the sum following ; that is to say,—

\* NOTES to 1710-11, resolve (c).

† NOTES to 1711-12, resolve (a).

## IN THE COUNTY OF SUFFOLK.

Boston, one thousand eight hundred eighty-one pounds and fourteen shillings, . . . . .	£1,881 14s. 0d.
Roxbury, one hundred forty-eight pounds nineteen shillings and fivepence, . . . . .	148 19 5
Dorchester, two hundred and four pounds sixteen shillings and sevenpence, . . . . .	204 16 7
Hingham, one hundred sixty-seven pounds eleven shillings and ninepence, . . . . .	167 11 9
Brantrey, one hundred forty-eight pounds nineteen shillings and fivepence, . . . . .	148 19 5
Dedham, with Needham, one hundred twenty-five pounds thirteen shillings and sevenpence, . . . .	125 13 7
Medfield, with Medway, one hundred and nine pounds twelve shillings and seven pence, . . . . .	109 12 7
Weymouth, ninety pounds sixteen shillings and fourpence, . . . . .	90 16 4
Milton, sixty-five pounds three shillings and twopence, . . . . .	65 3 2
Hull, thirty-seven pounds ten shillings, . . . . .	37 10 0
Wrentham, thirty-seven pounds ten shillings, . . . .	37 10 0
Mendon, fifty-one pound four shillings and twopence, . . . . .	51 4 2
Woodstock, forty-one pound thirteen shillings, . . . .	41 13 0
Brooklyn, fifty-five pounds seventeen shillings and threepence, . . . . .	55 17 3

## IN THE COUNTY OF ESSEX.

Salem, three hundred seventy-eight pounds nineteen shillings, . . . . .	378 19 0
Ipswich, four hundred sixty-five pounds ten shillings and sixpence, . . . . .	465 10 6
Newbury, three hundred twenty-five pounds three shillings and eightpence, . . . . .	325 3 8
Marblehead, one hundred ninety-six pounds and threepence, . . . . .	196 0 3
Lynn, one hundred fifty-three pounds twelve shillings and threepence, . . . . .	153 12 3
Andover, one hundred fifty-six pounds sixteen shillings and twopence, . . . . .	156 16 2
Beverly, one hundred twenty-five pounds nine shillings, . . . . .	125 9 0
Rowley, one hundred fifteen pounds and eight shillings, . . . . .	115 8 0
Salisbury, eighty-six pounds two shillings and threepence, . . . . .	86 2 3
Haverhill, eighty-three pounds six shillings, . . . .	83 6 0
Glocester, ninety-eight pounds, . . . . .	98 0 0
Topsfield, eighty-three pounds fifteen shillings and eightpence, . . . . .	83 15 8
Boxford, sixty-four pounds nine shillings and fivepence, . . . . .	64 9 5
Wenham, sixty-four pounds four shillings and tenpence, . . . . .	64 4 10
Amesbury, sixty-nine pounds sixteen shillings and tenpence, . . . . .	69 16 10
Bradford, sixty-eight pounds twelve shillings, . . . .	68 12 0
Manchester, twenty-one pounds eight shillings and fourpence, . . . . .	21 8 4

## IN THE COUNTY OF MIDDLESEX.

Charlestown, two hundred seventy-four pounds twelve shillings and tenpence, . . . . .	274 12 10
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Watertown, one hundred forty-nine pounds nine shillings and a penny, . . . . .	£149	9s.	1d.
Weston, forty-nine pounds, . . . . .	49	0	0
Cambridge, one hundred and twenty pounds nine shillings and fivepence, . . . . .	120	9	5
Concord, one hundred fifty-six pounds and nine shillings, . . . . .	156	9	0
Wobourn, one hundred and fifty-five pounds, . . . . .	155	0	0
Reading, one hundred eighteen pounds nine shillings and fourpence, . . . . .	118	9	4
Sudbury, one hundred sixteen pounds sixteen shillings and sixpence, . . . . .	116	16	6
Marlborough, one hundred twenty-seven pounds eight shillings and twopence, . . . . .	127	8	2
Lexington, sixty-six pounds six shillings and fourpence, . . . . .	66	16	4
Newtown, ninety-seven pounds and sixpence, . . . . .	97	0	6
Malden, eighty-eight pounds eight shillings and fourpence, . . . . .	88	8	4
Chelmsford, eighty-three pounds and six shillings, . . . . .	83	6	0
Billerica, seventy-five pounds three shillings and threepence, . . . . .	75	3	3
Sherburn, fifty-three pounds five shillings and fourpence, . . . . .	53	5	4
Groton, forty-five pounds one shilling and sevenpence, . . . . .	45	1	7
Launceston, forty-nine pounds, . . . . .	49	0	0
Framingham, fifty-eight pounds sixteen shillings, . . . . .	58	16	0
Medford, thirty-two pounds eleven shillings and sixpence, . . . . .	32	11	6
Stow, thirty-nine pounds four shillings, . . . . .	39	4	0
Dunstable, nineteen pounds twelve shillings, . . . . .	19	12	0
Dracut, fourteen pounds fourteen shillings, . . . . .	14	14	0

## IN THE COUNTY OF HAMPSHIRE.

Springfield, one hundred thirty-two pounds six shillings and twopence, . . . . .	132	6	2
Northampton, one hundred and seventeen pounds twelve shillings, . . . . .	117	12	0
Hadley, seventy-three pounds six shillings, . . . . .	73	6	0
Hatfield, sixty-three pounds ten shillings and sixpence, . . . . .	63	10	6
Westfield, fifty-five pounds seventeen shillings, . . . . .	55	17	0
Sussex, thirty-nine pounds four shillings, . . . . .	39	4	0
Enfield, thirty-nine pounds four shillings, . . . . .	39	4	0
Deerfield, twenty-three pounds five shillings and fivepence, . . . . .	23	5	5

## IN THE COUNTY OF PLYMOUTH.

Plymouth, ninety-eight pounds fourteen shillings, . . . . .	98	14	0
Plympton, fifty pounds six shillings, . . . . .	50	6	0
Situate, one hundred eighty-four pounds eleven shillings and threepence, . . . . .	184	11	3
Bridgewater, one hundred and four pounds and fourpence, . . . . .	104	0	4
Marshfield, ninety-three pounds one shilling and tenpence, . . . . .	93	1	10
Pembroke, thirty-five pounds ten shillings and fourpence, . . . . .	35	10	4
Duxbury, fifty-six pounds three shillings and sixpence, . . . . .	56	3	6

Middleborô, fifty-one pound and four shillings, . . .	£51 4s. 0d.
Rochester, forty-nine pounds, . . . . .	49 0 0
Abington, eleven pounds twelve shillings and nine-pence, . . . . .	11 12 9

## IN THE COUNTY OF BARNSTABLE.

Barnstable, one hundred seventy-six pounds seventeen shillings and fivepence, . . . . .	176 17 5
Eastham, ninety-eight pounds, . . . . .	98 0 0
Truro, thirty-nine pounds four shillings, . . . . .	39 4 0
Sandwich, one hundred twenty-five pounds thirteen shillings and sixpence, . . . . .	125 13 6
Yarmouth, ninety-eight pounds and twopence, . . . . .	98 0 2
Harwich, fifty-five pounds seventeen shillings, . . . . .	55 17 0
Falmouth, thirty-four pounds four shillings and fourpence, . . . . .	34 4 4
Chatham, thirty-two pounds and seven shillings, . . . . .	32 7 0

## IN THE COUNTY OF BRISTOL.

Bristol, one hundred and five pounds and seventeen shillings, . . . . .	105 17 0
Taunton, one hundred twenty-four pounds sixteen shillings and twopence, . . . . .	124 16 2
Norton, with the east end of North Purchase, twenty-four pounds thirteen shillings, . . . . .	24 13 0
Dartmouth, one hundred seventy-six pounds eight shillings, . . . . .	176 8 0
Dighton, thirty-three pounds ten shillings and fourpence, . . . . .	33 10 4
Rehoboth, one hundred and four pounds five shillings and sixpence, . . . . .	104 5 6
Little Compton, one hundred and twenty pounds seventeen shillings and sixpence, . . . . .	120 17 6
Swansey, one hundred twenty-seven pounds eight shillings and threepence, . . . . .	127 8 3
Tiverton, eighty-eight pounds four shillings, . . . . .	88 4 0
Freetown, thirty-nine pounds four shillings, . . . . .	39 4 0
Attleborough, thirty-four pounds eighteen shillings and twopence, . . . . .	34 18 2

## IN DUKES COUNTY.

Edgartown, fifty-one pound four shillings, . . . . .	51 4 0
Chilmark, fifty-two pounds two shillings and sixpence, . . . . .	52 2 6
Tisbury, twenty-four pounds and ten shillings, . . . . .	24 10 0

## IN THE COUNTY OF YORKE.

Yorke, eighteen pounds twelve shillings and sixpence, . . . . .	18 12 6
Kittery, sixty pounds seven shillings, . . . . .	60 7 0
Berwick, thirty-two pounds eleven shillings and eightpence, . . . . .	32 11 8
Wells, fourteen pounds fourteen shillings and twopence, . . . . .	14 14 2
Nantucket, one hundred and twelve pounds fifteen shillings and twopence, . . . . .	112 15 2

Amounting, in the whole, to the sum of eleven thousand pounds.

*And be it further enacted by the authority aforesaid,*

[SECT. 2.] That the treasurer do forthwith send out his warrants, directed to the selectmen or assessors of each town or district within this province, requiring them, respectively, to assess the sum hereby set upon such town or district in the manner following; that is to say, to assess all rateable male polls, above the age of sixteen years, at five shillings the poll (except the governour and lieutenant-governour, and their families, the president, fellows and students of Harvard College, settled ministers and grammar-school masters, who are hereby exempted as well from being taxed for their polls, as for their estates being in their own hand and under their actual management and improvement) and other persons in any town, if such there be, who through age, infirmity or extream poverty, in the judgement of the assessors, are not capable to pay towards publick charges, they may except their polls and so much of their estate as, in their prudence, they shall think and judge meet; and all estates, both real and personal, lying within the limits and bounds of such town or district, or next unto the same, not paying elsewhere, in whose hand, tenure, occupation or possession soever the same is or shall be found; and income by any trade or faculty which any person or persons (except as before excepted) do or shall exercise in gaining, by moneys or other estate not particularly otherwise assesst, or commissions of profit in their improvement, according to their understanding and cunning, at one penny on the pound; and to abate or multiply the same, if need be, so as to make up the sum hereby set and ordered for such town or district to pay; and, in making their assessment, to estimate houses and lands at six years income of the yearly rents whereat they may be reasonably set or let for in the places where they lye (saving all contracts betwixt landlord and tenant, and, where no such contract is, the landlord to reimburse one-halfe of the tax set upon such houses and lands); and to estimate Indian, negro and molatto servants proportionably as other personal estate, according to their sound judgment and discretion; as also to estimate every ox of four years old and upwards, at forty shillings; every cow of three years old and upwards, at thirty shillings; every horse and mare of three years old and upwards, at forty shillings; every swine of one year old and upwards, at eight shillings; and every sheep of one year old and upwards, at four shillings: likewise requiring the assessors to make a fair list of the said assessment, setting forth in distinct columns, against each particular person's name, how much he or she is assessed at for polls, and how much for houses and lands, and how much for personal estate and income by trade or faculty; and the list or lists so perfected and signed by them, or the major part of them, to committ to the collector, constable or constables of such town or district, and to return a certificate of the name or names of such collector, constable or constables, together with the sum totall to each of them respectively committed, unto himselfe sometime before the last day of September next.

[SECT. 3.] And the treasurer for the time being, upon the receipt of such certificate, is hereby impowred and ordered to issue forth his warrants to the collectors, constable or constables of such towns or districts, requiring him or them, respectively, to collect the whole of each respective sum assessed on each particular person, before the last day of March next; and of the inhabitants of the town of Boston to collect their proportion sometime in the month of January aforegoing, and to pay in their collections, and issue their accompts of the whole, at or before the last day of May, which will be in the year of our Lord one thousand seven hundred and sixteen.

*And be it further enacted by the authority aforesaid,*

[SECT. 4.] That the assessors of each town and district, respectively,

in convenient time before their making the assessment, shall give seasonable warning to the inhabitants, in a town meeting, or by posting up notifications in some place or places in such town or district, or otherwise to notify the inhabitants to give or bring in to the said assessors true and perfect lists of their polls and rateable estate.

[SECT. 5.] And if any person or persons shall neglect or refuse so to do, or bring in a false list, it shall be lawfull to and for the assessors to assess such person or persons, according to their known ability within such town, in their sound judgement and discretion, their due proportion to this tax, as near as they can, according to the rules herein given, under the penalty of twenty shillings for each person that shall be convicted by legal proof, in the judgement of the assessors, of bringing in a false bill; the said fine to be for the use of the poor of such town or district where the delinquent lives, to be levied by warrant from the assessors, directed to the collector or constable in manner as is directed for gathering of town assessments, and to be paid in to the town treasurer or selectmen for the use aforesaid: *saving* to the party agrieved at the judgment of the assessors in setting of such fine, liberty of appeal therefrom to the court of general sessions of the peace within the county, for relief as in case of being overrated.

[SECT. 6.] And if the party be not convicted of any falsness in the list by him presented of polls, rateable estate and income by any trade or faculty which he doth or shall exercise in gaining, by money or other estate not particularly otherwise assessed, such list shall be a rule, for such person's proportion to the tax, which the assessors may not exceed.

[*Passed July 30.*]

## A C T S

PASSED AT THE SESSION BEGUN AND HELD AT BOSTON,  
ON THE TWENTY-THIRD DAY OF NOVEMBER, A.D. 1715.

## CHAPTER 12.

AN ACT IN ADDITION TO AN ACT FOR ERECTING OF A POWDER-HOUSE  
IN BOSTON.

WHEREAS the confiscation of powder kept in houses and warehouses 1706-7, chap. 4.  
has not been found sufficient to deter[r] men from so keeping the same,  
to the great discouragement and damage of such as assist in times of  
fire, to endeavour the extinguishing thereof,—

*Be it therefore enacted by the Lieutenant-Governour, Council and Rep-  
resentatives in General Court assembled, and by the authority of the  
same,*

[SECT. 1.] That from and after the publication hereof, any person  
within the town of Boston, that shall presume to keep, in his house or  
warehouse, any powder above what is by law allowed, shall forfeit and  
pay for every half[e] barrel[1] the sum of five pounds, and so *pro rato* Penalty.  
for every greater quantity over and above the forfeiture or confiscation  
of the said powder; one moiety thereof to be for the use of the poor of  
the town, to be paid to the town treasurer, the other moiety to the fire-  
wards, or any others that shall sue for the same.

*And be it further enacted by the authority aforesaid,*

[SECT. 2.] That the quantity of powder allowed to be kept in shops, Quantity of  
powder allowed  
to be kept in  
shops.  
for sale in Boston, do not exceed twenty-five pounds; any law, usage  
or custom to the contrary thereof notwithstanding: *sar[e]ing, never-  
theless*, the ordinary town stocks, as in the afore-recited act is expressed.

And whereas there is often danger by careless persons carrying pow-  
der thro[ugh] the town uncovered,—

*Be it further enacted by the authority aforesaid,*

[SECT. 3.] That after the publication of this act, no person whatso- Powder to be  
covered when  
carried through  
the town.  
ever presume to carry thro[ugh] the town any half[e]-barrel[1], bar-  
rel[1] or barrel[1]s of powder, unless secured by some sufficient cover-  
ing of leather or cloth, spread over it, on penalty of forfeiting ten shil-  
lings per barrel[1] for each offence, and so *pro rato* for casks of lesser  
size; to be recovered of the persons carrying the same, by bill, plaint  
or information, before any court proper to try the same. Penalty.

And whereas the town of Boston has often been in great haz[z]ard  
of fire, by throwing of squibbs, serpents and rocketts, and by the per-  
forming of other fireworks,—

*It is further enacted by the authority aforesaid,*

[SECT. 4.] That any person or persons who[m]soever that shall Penalty for  
throwing  
squibs, &c.  
throw any squibbs, serpents or rocket[t]s, or perform any other fire-  
works within the streets, lanes or alleys in the town of Boston, or upon  
or from the houses within the same, shall forfeit and pay the sum of  
twenty shillings for every such offence, to be recovered by bill, plaint or  
information, before a justice of the peace, or in any of his majesty's

courts of record; the one half[e] of the aforesaid fines to be to the informer, and the other moiety to the use of the poor of the town.

*And be it further enacted by the authority aforesaid,*

[SECT. 5.] That if any children or servants, of the age of twelve years and upwards, shall offend against this act in any of the particulars therein mentioned, and their parents or masters refuse to answer the forfeiture or damage awarded against them, they shall be punished by setting in the stocks or cage, or by imprisonment, not exceeding twenty-four hours, at the discretion of the court or justice before whom[e] the prosecution shall be, according to the nature and degree of the offence, and circumstances aggravating. And the parents or masters of any child or servant under the age of twelve years shall pay a fine of ten shillings for any such child or servant transgressing, as aforesaid.

[SECT. 6.] And the firewards are hereby directed to take effectual care to put this act in execution, and are fully impow[er]ed to sue for, recover and take the several fines and forfeitures aforementioned, by bill, plaint or information, in any of his majesty's courts of record within this province. [*Passed December 13.*]

Children and servants to be fined or punished for throwing squibs, &c.

Parents or masters to pay for children under the age of 12 years.

Firewards to sue for the fines.

## CHAPTER 13.

### AN ACT TO PREVENT THE OPPRESSION OF DEBTORS.

1712-13, chap. 6. WHEREAS an act intituled "An Act to prevent oppression of Debtors," made and passed in the eleventh year of her late majesty Queen Anne, and now expired, has been found to be very beneficial to his majesty's subjects of this province, and the reasons for making said act still continuing,—

*Be it enacted by the Lieutenant-Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

That from and after the publication of this act, no debtor for any debt made or contracted since the thirtieth day of October, *Anno Dom.* one thousand seven hundred and five, or that shall be made and contracted before the thirtieth day of October, *Anno Dom.* one thousand seven hundred and twenty-two, (specialties and express contracts in writ[e]ing always excepted) that shall tender satisfaction and payment of his full debt in good and lawful[1] bills of credit on this province, shall be liable to have execution served and levied upon his estate or person, or be imprisoned, upon any recovery of judg[e]ment to be granted against him for such debt; any law, custom or usage to the contrary notwithstanding. [*Passed December 12.*]

No debtor to be imprisoned that offers bills in payment.

## CHAPTER 14.

### AN ACT FOR PREVENTING DAMAGE TO THE HOUSING AND OTHER ESTATE WITHIN THE SEVERAL TOWNS OF THIS PROVINCE.

WHEREAS many persons of late have been so mischievous, more especially in the time of publick rejoycings, as to break[e] the glass windows of several houses, and to commit[t] divers other insolencies in one or more of the towns within the said province; for prevention whereof for the future,—



*Be it enacted by the Lieutenant-Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

[SECT. 1.] That from and after the publication of this act, if any person or persons shall wil[l]fully break[e] the glass windows of any house within any of the towns of this province, either those made use of for publick occasions, or belonging to any private person, or by throwing stones, snowballs, kicking footballs, or any other ways, or shall wil[l]fully break[e] down any fences belonging to any such house or houses, or any pastures or other inclosures, and be thereof legally convict before one or more of his majesty's justices of the peace within such county, or before the court of general sessions of the peace within the county where such town lyes, he or they so offending shall not only be liable to the suit or action of the owner or possessor of such house or fences so damnif[i][y]ed, but shall also pay a fine of twenty shillings at least, and not exceeding the sum of five pounds, for the use of the poor of the said town.

Glass windows not to be broken.

Fences not to be broken.

Penalty.

*And be it further enacted by the authority aforesaid,*

[SECT. 2.] That the treasurer, for the time being, of the town where the offence is committed, be and hereby is directed and impow[er]ed to sue any person or persons who shall do any damage as aforesaid, to any of the houses made use of by the publick, either on civil or religious accounts, or to any of the publick burying-places; and the money recovered on such suit shall be appropriated for the repairing of such house or houses, or burying-places so damnif[i][y]ed.

Treasurer empowered to sue for the fines.

*And be it further enacted by the authority aforesaid,*

[SECT. 3.] That if any person or person[s] offending against this act, and being thereof convict, shall refuse to pay the fine above mentioned (or, when they are children or servants, their parents or masters shall refuse to pay the same) he or they so convict shall be punished by whipping, setting in the stocks or cage, or by imprisonment at the discretion of the court or justice before whom the prosecution shall be, according to the nature and degree of the offence, and circumstances aggravating the same. [Passed December 14.]

Persons refusing to pay the fine to be punished.

## CHAPTER 15.

AN ACT IN ADDITION TO THE ACT INTITLED "AN ACT AGAINST COUNTERFEITING THE BILLS OF CREDIT OF THIS PROVINCE," PASS'D IN THE THIRD YEAR OF HER LATE MAJESTY, QUEEN ANNE.

WHEREAS in the said act there is no provision made for the rewarding of such persons as shall make discovery of the altering or increasing the value of any of the bills of credit on this province, by law established,—

1704-5, chap. 8.

*Be it therefore enacted by the Lieutenant-Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

That whosoever shall give information of any person or persons altering or increasing the sum or figures set and expressed in any of the bills of credit on this province, now made or hereafter to be made, or of any person or persons uttering any such bill or bills, knowing the same to be so altered or increased, so that the person or persons guilty thereof be rend[e]d to justice and convicted, every such informer shall receive, as a reward for his good service therein, the sum of ten pounds, to be paid to him out of the publick treasury, and to be repaid into the treasury out of the offender's goods or estate, so far as that will

Bills of credit not to be altered or increased.

Penalty.

extend, by order of the court where the person shall be convicted.  
[Passed December 12.]

CHAPTER 16.

AN ACT IN FURTHER ADDITION TO THE ACT FOR ENCOURAGING THE  
KILLING OF WOLVES, MADE IN THE FIFTH YEAR OF THE REIGN OF  
KING WILLIAM AND QUEEN MARY.

*Be it enacted by the [Lieut<sup>t</sup>] [Lieutenant] Governour, Council and  
Representatives in General Court assembled, and by the authority of  
the same,*

1603, chap. 6.  
1694-5, chap. 26.  
Wolves to be  
destroyed.

[SECT. 1.] That from and after the publication of this act the  
reward for killing a grown wolf [e] shall be the sum of forty shillings,  
to be paid according to the provision made in said act.

Reward. And, forasmuch as some towns in this province have suffered in their  
sheep by unruly and ravenous dogs,—

*Be it enacted by the authority aforesaid,*

Unruly and rav-  
enous dogs to  
be destroyed.

[SECT. 2.] That whensoever it shall happen that any dog shall kill  
or wound any sheep, and proof be made thereof before any of his  
majesty's justices of the peace for the county where such damage is  
done, the said justice is required speedily to notify the owner of said  
dog of such damage; and if said dog be not killed within forty-eight  
hours after such notice given, the owner shall forfeit the sum of five  
pounds, to be recovered by action, bill, plaint or information, in any of  
his majesty's courts of record within this province, and to be disposed  
for the use of the poor of the town where the damage is done; and the  
said owner shall be further liable to the action of any person da[m]ni-  
fied as aforesaid. [Passed December 12.]

Penalty.

CHAPTER 17.

AN ACT FOR MAINTAINING AND PROPAGATING RELIGION.

1692-3, chap. 28.  
1802-3, chap. 46,  
§ 7.  
1702, chap. 10.  
1706-7, chap. 9.

WHEREAS the laws of this province have made good and wholesome  
provision that every town within the same be constantly supplied with  
an able, learned, orthodox minister or ministers, of good conversa-  
tion, to dispence the word of God unto them, and that such minister  
and ministers be suitably encouraged and sufficiently supported and  
maintained by the inhabitants of such towns; for the rendering of the  
said laws more effectual, and to prevent the growth of atheism, irreligion  
and prophan[en]ess,—

*Be it enacted and ordained by the Lieutenant-Governour, Council and  
Representatives in General Court assembled, and by the authority of the  
same,*

Towns without  
ministers to be  
presented.

[SECT. 1.] That the justices of the court of general sessions of the  
peace within the several count[ie][y]s, at the opening of their court  
from time to time, do give in special charge to the grand jury to make  
diligent inquiry and presentment of all towns and districts within such  
county that are destitute of a minister as by law is directed, and of  
such towns and districts that neglect to ful[fi]ll their contracts and  
agreements, and do not make suitable provision for the support and  
maintenance of their minister or ministers accordingly; and, upon  
such presentment, complaint or information in any other manner, the



court of general sessions of the peace are directed and required vigorously to put the laws in execution for the redressing of all defects and neglects of that kind, and forthwith to make the necessary orders to that end, as by law they are empowered. And, in case their orders so made be not duly observed, or by the contrivances or practices of ill men be eluded and rendered ineffectual, for the speedy remedying and reforming of so great an evil the justices of such court are to represent and make report of their proceedings unto the next session of the great and general court or assembly.

Report to be made to the general assembly.

*And be it further enacted by the authority aforesaid,*

[SECT. 2.] That upon report made by the justices of the court of general sessions of the peace within any county, that notwithstanding the orders by them made, as aforesaid, any town or district within their county do remain destitute of a minister qualif[i]c[y]ed as by law is provided, or do neglect to make due provision for the sufficient support or maintenance of their minister or ministers, according to contract and agreement made with him or them, or as the said court shall have ordered, where there is no contract in that respect, the general assembly to which such report or representation shall be made shall take effectual care to provide and send an able, learned orthodox minister, of good conversation, being first recommended by three or more of the set[t]led, ordained ministers, to every such town or district that are destitute, and also provide for his honourable support and maintenance by adding so much to the proportion of such town or district to the publick taxes, from time to time, as they may judge sufficient for that end; and so, in like manner, for the support and maintenance of ministers in such towns or districts that neglect to fulfill and perform the contract and agreement made with their ministers; and shall also proceed after the same manner to supply and support a minister in places that are destitute, where the justices neglect their duty to take care thereof.

Ministers to be recommended by three or more ordained ministers.

[SECT. 3.] And the additional sums so laid as aforesaid, shall be assessed, collected and paid into the publick treasury, together with the other publick taxes, and shall be drawn out thence by warrant from the governour, by and with the advice and consent of the council, and be duely paid to the minister and ministers, respectively, for whom it shall be laid.

*Provided,*

[SECT. 4.] This act shall continue in force for the space of seven years next after the enacting thereof, and no longer. [*Passed December 20.*]

## CHAPTER 18.

AN ACT FOR REVIVING AND FURTHER CONTINUING OF AN ACT INTITLED "AN ACT TO INABLE CREDITORS TO RECEIVE THEIR JUST DEBTS OUT OF THE EFFECTS OF THEIR ABSENT AND ABSCONDING DEBTORS," MADE AND PASS'D BY THE GREAT AND GENERAL COURT OR ASSEMBLY, AT THEIR SESSION UPON THE [26TH] [TWENTY-SIXTH] DAY OF MAY, 1708, IN THE SEVENTH YEAR OF THE REIGN OF HER LATE MAJESTY, QUEEN ANNE.

*Be it enacted by the Lieutenant-Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

[SECT. 1.] That the said act, and all and singular the paragraphs, clauses, articles, directions, powers in the said act contained, be and hereby are revived, re-enacted and directed to abide and remain in force, and accordingly to be exercis[e]d, practis[e]d and put in execution, till

1708-9, chap. 7

the thirtieth day of June, *Anno Dom*[ini] one thousand seven hundred and twenty-three, and no longer.

[SECT. 2.] And all summons and declarations already commenced in any of the courts within this province, be and hereby are revived and continued, and to be proceeded upon according to the directions of the said act, as if the same had not expired. [*Passed December 12.*]

## CHAPTER 19.

AN ACT FOR THE ENCOURAG[E]ING THE RAISING HEMP WITHIN THIS PROVINCE.

*Be it enacted by the Lieutenant-Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

1701-2, chap. 13.

[SECT. 1.] That from and after the publication of this act there shall be paid out of the publick treasury the sum of nine shillings and fourpence for every hundred and twelve pounds of water-rotted, well cured and clean-dressed hemp, the growth of this province, that is brought to market[t]; and so in proportion for a greater quantity: the quantity and quality of hemp to be certified to the treasurer, under the hands of such skil[1]ful[1] surveyors as the governour or commander-in-chief[e], with the advice and consent of the council, shall from time to time nominate and appoint, who shall be paid by the vender eightpence for every hundred and twelve pounds they shall survey.

*And be it further enacted by the authority aforesaid,*

[SECT. 2.] That no hemp shall be accounted merchan[d][t]able within the intent of this act, but such as shall be bright, well cured and water-rotted, of four foot at least in length, and cleansed fit for use, and so certified under the hand of one of more surveyor or surveyors, to be appointed as aforesaid. And such surveyors shall have an oath administred unto them by the governour, or any two members of the council, of the tenour as is by law already provided. And no person shall be intituled to the aforesaid premium until[1] he hath made oath before the treasurer of the province, who is hereby impow[e]red to administer the same, that the said hemp is *bona fide* the produce and growth of this province, and that he nor any other person has received the above said premium for the same, or any part thereof.

*Provided,*

[SECT. 3.] That this act shall continue and be in force for the space of ten years, and no longer. [*Passed December 20.*]

## CHAPTER 20.

AN ACT FOR HOLDING AND KEEPING A SUPERIOUR COURT OF JUDICATURE, COURT OF ASSIZE AND GENERAL GOAL DELIVERY, WITHIN AND FOR THE COUNTY OF HAMPSHIRE.

*Be it enacted by the Lieutenant-Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

[SECT. 1.] That there shall be a superiour court of judicature, court of assize and general goal delivery, held and kept at Springfield for the said county of Hampshire, on the second Thursday in August, yearly, and in every year, as by the law for establishing a superiour court of judicature, court of assize and general goal delivery within

Superior court  
for Hampshire  
restored.  
1692-3, chap. 33,  
§ 7.  
1693-4, chap. 11,  
§ 4.

this province is directed and appointed; any act or law since made to the contrary notwithstanding, which is hereby repealed.

1699-1700, chap. 5, § 2.  
1703-4, chap. 8.

*And be it further enacted by the authority aforesaid,*

[SECT. 2.] That all appeals, reviews, recognizances, informations warrants, or other process which should have been heard and tried at the superiour court of judicature, court of assize and general goal delivery, at Springfield, for the said county of Hampshire, on the second Thursday of August last past, but were discontinued by reason of the courts not being held and kept at the time aforesaid by law prefixed, be and hereby are revived, continued and adjourned over, and may be pleaded, heard and proceeded upon at the next superiour court of judicature, court of assize and general goal delivery within and for the county of Hampshire aforesaid. And all part[y][ie]s that had day by any pleas, writ[t]s, bills, actions, suits, plaints, process, præcepts, recognizances, or other thing or things whatsoever, that are in the said court discontinued, as aforesaid, shall respectively appear at such next court to be holden in and for said county, under the penalty of forfeiting any bonds, obligations or recognizances for the appearance of the said part[y][ie]s, or any other penalty that might have incur'd on the said part[y][ie]s for not appearing at the said court continued, as aforesaid, if the same had been held and kept. [*Passed December 20.*]

## CHAPTER 21.

### AN ACT TO PREVENT THE UNNECESSARY JOURN[E]YING OF THE REPRESENTATIVES.

WHEREAS of late there has been too great neglect in the sheriffs, in not tak[e]ing due care seasonably to disperse to, and among the several towns, the proclamations for adjourning, prorogu[e]ing and dissolv[e]ing the great and general courts or assemblies, whereby many of the members of the said court have been put to unreasonable trouble and expence; for remedy whereof,—

*Be it enacted by the Lieutenant-Governour, Council and Representatives in General Court assembled, and by the authority of the same.*

[SECT. 1.] That the secretary shall from henceforth, immediately after any such prorogation or dissolution of the great and general court or assembly, cause a sufficient number of the said proclamations (the same being first printed off) to be safely conveyed and delivered to the sheriff of the county of Suffolk, who, upon recei[p]t thereof, shall forthwith take care that the several towns within his precinct be served with the same, and shall likewise use the best method he can that the several sheriffs within this province have, each of them, so many of the said proclamations as may be needful[1] for their notifying the inhabitants of each town within their several precincts, who are hereby alike enjoyned, upon the recei[p]t thereof, effectually to disperse the same to every of the towns, for the ends aforesaid. And every sheriff shall be allowed and paid for his trouble and charge in sending out the aforesaid proclamations, out of the county treasury, what shall be adjudged reasonable by the court of general sessions of the peace: the sheriff of the county of Suffolk to be paid, for transmitting the proclamations to the other sheriffs within this province, out of the publick treasury.

[SECT. 2.] And every sheriff neglecting his duty in any of the particulars before mentioned, shall forfeit and pay the sum of twenty-five pounds, to be recovered by bill, plaint or information in any of his

Representatives to be seasonably notified when the general court is adjourned, prorogued, or dissolved.

Penalty on sheriffs neglecting their duty.

majesty's courts of record, the one-half[e] to be for and towards the support of the government, and the other half[e] to him or them that shall inform and sue for the same.

[SECT. 3.] This act to continue and be in force for the space of three years, and no longer. [*Passed December 20.*]

## CHAPTER 22.

### AN ACT FOR THE BETTER REGULATING OF TOWN AND PROPRIETARY MEETINGS.

1692.3, chap. 23.

WHEREAS, by reason of the disorderly carriage of some persons in said meetings, the affair and business thereof is very much retarded and obstructed; for preventing whereof,—

*Be it enacted by the Lieutenant-Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

Moderator to be chosen by the majority of votes.

[SECT. 1.] That at every such meeting a moderator shall be first chosen by a majority of votes, who shall be thereby impow[e]red to manage and regulate the business of that meeting. And when it shall so happen that any matter remains doubtful[l] after a vote, the moderator is hereby directed and required that the same be decided by the poll, if seven or more desire it, presently after the vote is called in question: in proprietary meetings the said polls to be numbred according to their interest.

*And be it further enacted,*

Penalty on persons speaking without leave from the moderator.

[SECT. 2.] That no person presume to speak before leave first obtained from the moderator, nor when any other is orderly speaking, and that all persons be silent at the desire of the moderator, under the penalty and forfeiture of five shillings for every breach of such order. And if any person being, by the moderator, notif[i][y]ed of such offence, shall still persist in the same, that then the moderator shall order such person to withdraw from said meeting, and such offender, upon his refusal thereof, shall forfeit and pay the sum of twenty shillings; the respective forfeitures to be recovered by the town treasurer of such town wherein any of the aforesaid offences shall be committed, before any one or more of his majesty's justices of the peace for the county wherein such town l[i][y]es, to be disposed of, the one half[e] for the use of the poor of said town, the other half[e] to the said town treasurer.

Town treasurer to recover the fines.

*And be it further enacted,*

Ten or more freeholders may desire a town meeting.

[SECT. 3.] That when and so often as ten or more of the freeholders of any town shall signif[ie][y] under their hands to the selectmen their desire to have any matter or thing inserted into a warrant for calling a town meeting, the selectmen are hereby required to insert the same in the next warrant they shall issue for the calling a town meeting; and that no matter or thing whatsoever shall be voted or determined but what is inserted in the warrant for calling said meeting.

*Provided,*

[SECT. 4.] That town meetings for choice of representatives be regulated by the selectmen, as is ordained in the fourth year of King William and Queen Mary. [*Passed December 22.*]

## CHAPTER 23.

AN ACT IN ADDITION TO THE ACT INTITLED "AN ACT FOR THE REGULATING OF TOWNSHIPS, CHOICE OF TOWN OFFICERS, AND SETTING FORTH THEIR POWER," MADE AND PASSED IN THE FOURTH OF WILLIAM AND MARY.

*Be it enacted and declared by the Lieutenant-Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

That where any person is convicted of the breach of a town order or by-law, before a justice of the peace, and neglect or be unable to pay their fine, that in every such case it shall and may be lawful[1] to and for such justice to order such person or persons either to stand committed to the goal of the county by the space of twenty-four hours, and not exceeding five days, or be set in the cage or stocks not exceeding the space of four hours. [*Passed December 20.*]

## • CHAPTER 24.

AN ACT IN ADDITION TO AN ACT ENTITLED "AN ACT FOR THE SETTLEMENT AND DISTRIBUTION OF THE ESTATES OF INTESTATES," MADE AND PASS[ED] IN THE FOURTH YEAR OF THE REIGN OF KING WILLIAM AND QUEEN MARY.

*Be it enacted by the Lieutenant-Governour, Council and Representatives in General Court assembled, and by the authority of the same.*

That where two or more have letters of administration granted them of any intestate's estate, and one or more of them take all or the greatest part of such estate into his or their hand or hands, and refuse to pay the debts or funeral charges of such intestate, or come to an accompt with the other administrator, that then and in such case it shall and may be lawful[1] for such administrator aggrieved, to bring his action of accompt against the other administrator or administrators, of the estate of the intestate in his or their hands, and recover his proportionable part or share of such intestate's estate as shall belong or appertain unto him, after debts, funeral charges and other dues of the intestate's are fully satisfied and paid; any law, usage or custom to the contrary thereof in any wise notwithstanding. [*Passed December 22.*]

NOTES.—There were four sessions of the General Court this year. No acts were passed at the third session. The fourth session was continued, by several prorogations, to April 25, 1716, but was dissolved, by proclamation, April 16th; the Court not having met after Dec. 22, 1715.

The engrossments of all the acts of this year are preserved. Chapters 8, 9, 10 and 11 were not printed with the sessions acts.

On the 21st of May, 1718, the Board of Trade met, and considered the acts from chapter 12 to chapter 24, inclusive, minuting "no objection" against all but chapter 14 (which, with chapters 12 and 13, was ordered to "lie by"), and chapters 15 and 16, against which appears the following entry: "No other Objection but remark to the Gov<sup>r</sup> the Instruction about Fines & Forfeitures being granted to the Crown." The objections of the Board to chapters 15, 16 and 20 were communicated to Governor Shute in the "observations" accompanying their letter to him, dated June 4, 1719, extracts from which are given in the notes hereunder made to those chapters, respectively.

All the acts of this year, except chapters 8, 9, 10, 11, 18 and 21, were included in a list of acts described as acts "passed at New England since the King's accession, which have not been already considered by the Board." These were submitted to Mr. Richard West, "for his Opinion thereupon, in point of Law," by an order of the Board dated Oct. 15, 1724. On the 19th of May following, Mr. West made his report that, to all these acts, he had



"no objection to their being pass'd into Law," with the following endorsement: "It does not appear that these acts were ever presented to y<sup>e</sup> Crown for Confirmation, and, consequently may be repealed yet, if thought advisable."

*Chap. 4.* "June 25<sup>th</sup> 1716. The following Resolve, pass'd in the House of Represent<sup>es</sup> Read & Concur'd; viz,—

RESOLVED that the Sum of Fifty Pounds be allowed & paid out of the publick Treasury for the Hire of a Person to take care of the Light House for the first Year, to begin when the Lights are set & kept up;

And the Committee appointed to take Care of the Building of the Light House are desired to procure a suitable Person to keep it:—

Consented to: W<sup>m</sup> TAILER."

—*Council Records, vol. X., p. 93.*

"November 22, 1720. A Petition of John Hayes Keeper of the Light House at Beacon Island shewing that he is necessitated for the faithful Discharge of his Office to Hire two Men constantly to Attend that Service as well as himself, So that after Mens Wages are paid & Provisions are supplied them the Petitioners allowance is not sufficient to give him self and Family a Support, and inasmuch as it may have been Represented that his Profits are considerable by Giving Entertainment on the Island That he has found the same prejudicial to him self as well as to the Town of Boston, & therefore he has left off Giving Entertainment for the last Twelve Months, And that for the Affair of Pilotage, In the Summer Season, almost every Fisher-Man or Boat Man as they meet with in the Bay, Pilot the Ships in, And that his Benefit by Pilotage is by that means very inconsiderable, And therefore Praying that some sufficient Addition may be made to his Salary, That it may be what is necessary for his Support.

In the House of Represent<sup>es</sup> Nov. 21. 1720. In answer to this Petition; Resolved that the Sum of Seventy Pounds be allowed & paid out of the publick Treasury to the Petitioner for his Service the Year coming To be Paid Quarterly, as it becomes due.

In Council; Read & Concur'd:—

Consented to. SAM<sup>l</sup> SHUTE."

—*Ibid., vol. XI., p. 74.*

"Right Hon<sup>ble</sup>—Understanding there is lately past in the General Assembly of the Province of the Massachusetts Bay in New England an Act for the erecting a Light House on that Coast laying a tax on the shipping coming in and out there for the maintenance of it and that one of the most material matters necessary for the preservation of His Maj<sup>ties</sup> ships and all strangers coming in and out on that Coast is wholly neglected in the said Act

I made a Representation of that Neglect and the ill consequence that will thereby attend His Maj<sup>ties</sup> service to the Right Hon<sup>ble</sup> the Lords of the Admiralty and have it in command from them to attend your Lordships about that matter, the said Act being before your Hon<sup>ble</sup> Board in order to have the Royal approbation.

I pray your Lordships that before the said Act be suffered to pass, your Lordships will please to heare reasons against it why it ought to be rejected until it shall be amended.

And that I may be permitted to have timely notice when your Lordships will please to be waited on by Right Hon<sup>ble</sup>

Your Lordships most obedient Serv<sup>t</sup>

THOMAS CORAM.

Received 25 May 1716 Read 1 June."

—*Thomas Coram to Lords of Trade, 25 May, 1716.*

"WHITEHALL, Friday June 15<sup>th</sup> 1716

At a Meeting of his Majesty's Commiss<sup>es</sup> for Trade and Plantations Present Sr Jacob Astley, M<sup>r</sup> Cockburne, M<sup>r</sup> Chetwynd, M<sup>r</sup> Cooke, M<sup>r</sup> Doctiniquie.

M<sup>r</sup> Coram attending and acquainting their Lordships that he had several objections to make against An Act passed in the Massachusetts Bay in 1715 for building and maintaining a Light House, &c., the said Act laying a tax upon the shipping of this Kingdom & making no provision for pilots, which are much wanted on that Coast, he was desired to put his objections in writing as soon as he could in order to the Boards considering thereof.—*Trade-papers, vol. 20, p. 17, in Public Record Office.*

*Chap. 5.* "June 20, 1716. The following Resolve pass'd in the House of Representatives read and concur'd; viz. Whereas there is a different understanding of the sence of the Law, respecting the choice of the Register of Deeds in the sev<sup>l</sup> counties, some apprehending that such election is not duly performed, unless some one person have the major part of the voters, in which sence, the performing of the said election may be very difficult, and require the assembling of the inhabitants of the several towns of the County divers times before such election is made.

RESOLVED that the person that has the greatest number of votes for Register, as aforesaid, is duly chosen unto that office:

Consented to, W<sup>m</sup> TAILER."

—*Council Records, vol. X., p. 86.*

"June 8<sup>th</sup> 1716. The following Order pass'd in the House of Represent<sup>es</sup> Read & Concur'd; Viz,

Upon Reading the Representation & Complaint of Edmund Goffe Esq<sup>r</sup> Representative for Cambridge, Setting forth, That the said Town of Cambridge is the Shire Town of the County of Middlesex, and that by a late Law of this Province entitled An Act for the more safe Keeping the Registry of Deeds & Conveyances of Lands, It is Enacted that there shall be chosen in each County within this Province some discreet & suitable Person, &c. to be Register in such County, And that at the Quarter Sessions of the Peace held at Charles-town within & for the said County of Middlesex, the Choice of the said Officer was declared & the Person sworn &c., But no Care has been taken that a publick Office be opened & kept at Cambridge, the Shire Town of the said County of Middlesex, as in &

by the said act is directed, Praying that the publick office for Registring of Deeds, & Conveyances of Land for the said County may be forthwith open'd & kept at Cambridge.

Upon the Motion of the Representatives of the Town of Charles-town, who affirm'd the said Town to be the Shire Town;

ORDERED that they receive a Copy of this Petition and that they may be heard before this Court in Answer thereto on Thursday next: Consented to WM TAILER"

—*Ibid.*, p. 71.

"June 15<sup>th</sup> 1716. The following Resolve pass'd in Council; Viz, Upon a Hearing of the Towns of Cambridge & Charlestown as to their respective Claims of being the Shire Town of the County of Middlesex;

RESOLVED that Cambridge is the Shire town of the said County; Read and non-concurred by the Representatives."

—*Ibid.*, p. 76.

"June 13, 1717. The following Resolve pass'd in Council, and concur'd by the Representatives; viz,—

Upon a hearing yesterday of the towns of Cambridge and Charlestown as to their respective claims of being the shire town of the County of Middlesex:—

RESOLVED that Cambridge is the Shire Town of the said County.

Consented to: SAMLL SHUTE."

—*Ibid.*, p. 162.

"June 14, 1717. The following Resolve pass'd in Council, and concur'd by the Representatives; viz,—

RESOLVED that pursuant to an Act entitled an Act for the more safe keeping the Registry of Deeds and Conveyances of Lands made and pass'd at a session of the Great and Gen<sup>l</sup> Court or Assembly at Boston the 25<sup>th</sup> of May 1715, That the public Office for Registring of Deeds or Conveyances of Lands for the County of Middlesex, be forthwith opened and kept at the Shire Town of Cambridge; and that all deeds and conveyances of lands that have been recorded in the Office at Charlestown since the making the aforesaid Act, notwithstanding their being there recorded, be declared and hereby are made good and valid to all intents and purposes in the Law whatsoever; any law, usage, or custom to the contrary notwithstanding:—

Consented to, SAMLL SHUTE."

—*Ibid.*, p. 163.

Chap. 8, § 15. "July 30. 1715. The following Order pass'd in the House of Representatives Read & Concur'd; viz,—

Whereas It is Enacted in the Act for Granting to his Majesty several Rates and Duties of Impost & Tunnage of Shipping; viz, That there shall be paid by the Master of every Ship or other Vessel coming into any Port or Ports of this Province to trade or traffick, the Major Part of the Owners whereof are not belonging to this Province Except such Vessels as belong to the Provinces or Colonies of Pennsylvania, West & East Jerseys, New York, Connecticut or Rhode Island, every Voyage such Ship or Vessel does make, the sum of Eighteen pence per Tun or One Pound of good, new Gun Powder, for every Tun such Ship or Vessel is in Burthen, to be paid unto the Commissioner or Receiver of the Duties of Impost & to be employed for the Supply of His Majestys Forts & Castles within this Province.

ORDERED that it be an Explanation of the said Act, That the said Duty is not to be paid for such Port or Ports, of any Ship or other Vessel that is owned by any Person or Persons inhabiting this Province: & that it be an Instruction to the Officer of Impost to govern himself accordingly.

Consented to, J. DUDLEY.

—*Council Records*, vol. IX., p. 416.

Chap. 11. "July 29, 1715.—The following Order pass'd by the Representatives, Read & Concur'd; viz,

An Act for Apportioning & Assessing a Tax of Eleven thousand Pounds on Polls and Estates; Which with the Sum of Two thousand Pounds in the Treasury, Two thousand Pounds Interest of the Loan Money & Seven thousand Pounds by the Impost, Excise and Tunnage of Shipping pass'd this present Session will make up the Sum of Twenty two thousand Pounds, Pursuant to the Funds & Grants made to her late Majesty by this Court at their Several Sessions in November 1710 & May 1711.

ORDERED that the Preamble to the Tax Bill to be pass'd this Session be formed agreeable to the above mentioned Minutes: And that a Bill be drawn accordingly, as expeditiously as may be.

Consented to, J. DUDLEY."

—*Council Records*, vol. IX., p. 414.

"June 11. 1716. The following Order pass'd in the House of Representatives Read & Concur'd; Viz,—

Whereas upon Examination it is found that the Funds for Bringing in the Twenty two Thousand Pounds that was formerly granted to be levied the last May Session, fell short the Sum of Three Thousand five Hundred seventy two Pounds three Shillings and one Penny.

Ordered that the Interest of the Fifty Thousand Pounds of Bills of Credit lent by this Province not yet paid into the Treasury be granted & appropriated for the Making good of the said Deficiency so far that the first Three Thousand five Hundred seventy two Pounds three Shillings & one Penny thereof that shall be paid into the treasury by the Trustees for the said Loan shall be applied & improved to discharge the same There being as yet but nine Hundred & three Pounds three Shillings & two Pence of the s<sup>d</sup> Interest paid into the Treasury.

Consented to, WM TAILER."

—*Ibid.*, vol. X., p. 72.

Chap. 15. "We have no other Objection to the Act entituled, *An Act in addition to the Act against counterfeiting the Bills of Credit of this Province, passed 3rd Queen Anne,*

\*\*\*\*\* but that by your Instructions Fines & Forfeitures are reserved to the Crown, but by these Acts the Forfeitures are reserved and applied to particular uses.”—*Observations*, by Lords of Trade, to Governor Shute, June 4, 1719.

Chap. 16. “We have no other Objection to the Act \*\*\*\*\* entitled *An Act in further addition to the Act for encouraging the Killing of Wolves, made in the 5th of King William & Queen Mary*, but that, by your Instructions, Fines & Forfeitures are reserved to the Crown, but by these Acts the Forfeitures are reserved and applied to particular uses.”—*Ibid*.

Chap. 20. “As to the *Act for holding & keeping a Superiour Court of Judicature, Court of Assize and general Goal Delivery within and for the County of Hampshire*, the first clause in this Act restores the Superiour Court of the County of Hampshire which is to sit every 2d Thursday in August, yearly according to the *Law for establishing a superiour Court of Judicature, &c.*, which Law we find was passed in 1699, but then the same Clause goes on, any Act or Law since made to the contrary notwithstanding. As we do not find any Act since 1699, that seems to relate to this matter, We cannot understand what Law is repealed by this, which is what you ought particularly to have explained to us, that we might the better be enabled to lay our opinion before his Majesty.”—*Ibid*.  
“To the Right Honourable the Lords Comrs of Trade and Plantations

My Lords, In obedience to Your Lordships commands I have perused and considered an Act pass’d in the Province of the Massachusetts Bay in New England in one thousand seven hundred and fifteen entitled *An Act for holding and keeping a superiour Court of Judicature, Court of Assize & General Goal delivery within & for the County of Hampshire*.

This Act is for the establishing a Superiour Court of Judicature, Assize & Generale Goal delivery within and for the County of New Hampshire. In relation to which I must observe, that the power of erecting Courts of Judicature, &c, is the unalterable prerogative of the Crown and therefore this establishment by the Assembly of New England cannot be valid, any otherwise than as it is conformable to their Charter, which is the source of all their power. By the Charter of King William and Queen Mary the General Assembly are Impowered not to establish Courts generally but to erect & constitute Judicatories & Courts &c to be held in the name of the King his heirs & Successors. It is true that the Act to which it refers 11 W<sup>m</sup> 3, is in the same manner and that Act is said to be confirmed. But with submission to Your Lordships I imagine it to have been an oversight that it was so. Since it may be made a question upon the words of the Act (which when confirm’d may perhaps dispute authority with the Charter) whether they are obliged to hold their Courts in the King’s name or not, since there is no provision for that purpose.

I doubt not but their Judicial Proceedings do run in the King’s name but yet there seems to be a kind of industry to avoid naming the King even upon those occasions where there is a kind of legal necessity that they should: As in this Act where the directing of Courts generally to be held is not a pursuance of that authority I before mentioned to be granted by the Charter Tho’ I do not object directly to the passing of this Act yet I thought it proper to submit this Observation to Your Lordships.”—*Report of Mr. West, to Board of Trade, May 19, 1725*.

(a.) “August 25. 1715. The following Resolve pass’d in the House of Representatives; Viz,—

This house having on the 29<sup>th</sup> of July, in their last Session, Voted that the Sum of Four thousand Pounds of the Bills of publick Credit on this Province be Emitt’d by the Treasurer for Support of the Govern<sup>t</sup> for Payment of Grants, Salaries & Allowances made or to be made by this Court &c.; Which said Grant was then Non Concur’d by the Hon<sup>ble</sup> Board:—For the Reviving therefore of the said Grant And that this House may again shew their Readiness to supply the Treasury;

RESOLVED that the Treasurer be and hereby is directed & impowered to Issue forth & Emit the Sum of Four thousand Pounds of the Bills of publick Credit on this Province that are or shall be received into the Treasury, for Payment of the publick Debts of the Province already contracted for Defence & Support of the Government & the necessary Protection & Preservation of the Inhabitants of this Province & for Subsisting of Forts & Garrisons & Wages arising for their Service (But the Fort at Casco Bay for no longer time than the first day of October next) for Payment of Grants, Salaries & Allowances made & to be made by this Court according to such Draughts as shall from time to time be made on him, by Warrant or Order of the Governor by & with the Advice & Consent of the Council: And the said Bills shall pass out of the Treasury at the Value therein expressed, equivalent to Money & shall be taken & accepted in all publick Payments at the Advance & after the Rate of Five Pounds per Cent more;

And as a Fund and Security for the same, There be & hereby is granted to His Most Excellent Majesty (to the Ends & Uses as aforesaid) a Tax of Four thousand Pounds to be levied upon Polls & Estates both Real & Personal within this Province according to such Rules & in such Proportion upon the several Towns and Districts within the same as shall be Agreed on & Ordered by the Great and General Court or Assembly of this Province at their Session in May 1722 and paid unto the Treasury on or before the last day of December next after.

Read & Concurr’d with the following Amendm<sup>t</sup> Added to the Clause therein relating to Casco Fort,—Provided the new Fort at Pejebscot be then in a Readiness to receive the Fifteen Men appointed by this Govern<sup>t</sup> & the necessary Stores.

Which Amendment was not Agreed to by the Represent<sup>ves</sup> But,

ORDERED that the Resolve of the House be insisted on.

RESOLVED that the Board do adhere to their former Amendm<sup>t</sup> to the Vote of the Represent<sup>ves</sup> For that the Board are of Opinion That the Fort at Pejebscot will not be in Readiness to receive the Men & Stores necessary for its Defence by the Time limited.”

—*Council Records, vol. IX., p. 418*.



"Aug. 27, 1715. The Resolve of the House of Representatives of the 24 Currant being read, Concur'd with; only extending the Limitation relating to Carco Fort to the first of Novem<sup>r</sup> next ensuing; & Ordered that the Undertakers to build the Fort at Pejebseot be directed with utmost Speed & Diligence to proceed in that Affair & accomplish it by the Time, that so it may be capable to receive & entertain the Men & Stores, proposed & that if it be not possible to build & finish the said Fort at the time, according to the Order of this Court, then what is wanting, to be made up by Stockadoes to make it secure & defensible until the Season will allow the Stone Work to be finished.

Concur'd by the Representatives.

Consented to,

J. DUDLEY."

—*Ibid.*, p. 420.

(b.) "Dec. 21, 1715. In the House of Representatives; Resolved that the Treasurer be & hereby is Directed & Impowered to issue forth & Emit the Sum of Four Thousand Pounds of the Bills of publick Credit on this Province that are or shall be received into the Treasury for Payment of the publick Debts of the Province for the Defence & Support of the Government & the necessary Protection & Preservation of the Inhabitants of this Province, And for the Subsisting of Forts or Garrisons & Wages arising for their Service, And for Payment of Grants, Salaries & Allowances made & to be made by this Court, According to such Draughts as from Time to Time shall be made upon him by Warrant or Order of the Governour or Commander in Chief for the Time being by & with the Advice & Consent of the Council, And the said Bills shall pass out of the Treasury at the Value therein express'd equivalent to Money And shall be taken & accepted in all publick Payments at the Advance & after the Rate of five Pounds per Cent more.

And as a Fund & Security for the same There be & hereby is granted unto his most Excellent Majesty to the Ends & Uses as aforesaid A Tax of Four Thousand Pounds to be levied upon Polls & Estates both Real and Personal in this Province according to such Rules & in such Proportion on the several Towns & Districts within the same As shall be Agreed on & Ordered by the Great & General Court or Assembly of this Province at their Session in May Anno 1719: & paid into the Treasury on or before the last Day of December next after.

In Council Read & concur'd: .

Consented to:

J. DUDLEY."

—*Ibid.*, vol. X., pp. 45-6.



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ACTS,  
PASSED 1716-17.

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# ACTS

PASSED AT THE SESSION BEGUN AND HELD AT BOSTON  
ON THE THIRTIETH DAY OF MAY, A.D. 1716.

## CHAPTER 1.

AN ACT FOR GRANTING UNTO HIS MAJESTY AN EXCISE UPON WINES,  
LIQUOR, AND OTHER STRONG DRINK, SOLD BY RETAIL.

WE his majestie's most loyal and dutiful subjects, the representatives of the province of the Massachusetts Bay, in general court assembled, being desirous to lessen the present debt of the province by drawing in a number of the bills of credit, in pursuance of the several grants of this court in the year 1711,\* have chearfully and unanimously granted, and do hereby give and grant unto his most excellent majesty, for the ends and uses abovementioned, and for no other uses, an excise upon all brandy, rhum, and other spirits distilled, upon all wine, cyder and perry whatsoever, sold by retail in this province; to be raised, levied, collected and paid, by and upon every taverner, innholder, common victualler and retailer within each respective county in manner following:—

*And be it accordingly enacted by the Lieutenant-Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

[SECT. 1.] That from and after the twenty-ninth day of June, one thousand seven hundred and sixteen, for and during the space of five years, every person licensed for retailing brandy, rhum, or other spirits, wine, cyder or perry, shall pay the duties following; viz.,—

	Fees stated.
For every gallon of rhum, brandy, and spirits distilled, eightpence, . . . . .	£0 0s. 8d.
For every gallon of wine of every sort, sixpence (a pipe of wine to be accounted one hundred gallons), . . . . .	0 0 6
For every barrel of cyder and perry, one shilling, . . . . .	0 1 0
—and so proportionably.	

*And it is further enacted by the authority aforesaid,*

[SECT. 2.] That there be one commissioner or more, in each county, appointed by the general court, or by the general sessions of the peace where it shall happen that such commissioner refuse to accept said office, or be removed by death, &c., to take charge of this duty of excise, who shall have power to inspect the houses of all such as are licensed, and of such as are suspected to sell without license; which commissioner shall be upon oath to take care of the due execution of this law, and to prosecute the breakers of it, and shall have power to appoint underofficers upon oath. And the said commissioner shall carefully examine the accompts of every licensed person in his respective county, and demand, sue for, and receive the several sums due

\* NOTES to 1711-12, resolves (a), (b), (c).

- from them by this act, and the same shall pay into the publick treasury of this province, and shall be allowed five per cent on all money by him collected and paid into the treasury as aforesaid; each commissioner to give bond to the justices at their first general sessions for the peace in their respective counties, with sufficient security, for the faithful discharge of his duty and that they will duely pay in the money he shall collect, to the treasurer of this province for the time being.
- And be it further enacted,*
- Five per cent for collecting.** [SECT. 3.] That every taverner, innholder, common victualler and retailer, shall after the twenty-ninth day of June, or within twenty-four hours after he or they shall be notified by the commissioner, take an exact account of all rum, brandy and other distilled spirits, wine, cyder and perry then by him, and give an account of the same to the commissioner upon oath (the like account to be given by such others as shall be licensed during the continuance of this act) of what brandy, rum, and other distilled spirits, wine, cyder and perry they shall have at the time of their license.
- Account to be taken.** [SECT. 4.] That every taverner, innholder, common victualler and retailer, shall make a fair entry in a book of all such rum, brandy, distilled spirits, wine, cyder and perry, as he or any for him shall buy, distill, or take in for sale, after such account taken, and at the end of every six months deliver the same unto the commissioner, upon oath, and pay him the duty thereof, excepting such part as the commissioner shall find is still remaining by him; twenty per cent being to be allowed for leakage and other waste, for which no duty is to be paid.
- Within six months, account to be delivered.** SECT. 5.] That the justices in their general sessions of the peace, be and hereby are directed to take sufficient recognizances of all persons by them licensed, and that it be inserted as one condition in the recognizance, that he shall render the above account upon oath.
- Twenty per cent leakage.** [SECT. 6.] That every taverner, innholder, or common victualler, that shall be licensed to sell as abovesaid, shall be provided with good lodging for strangers, according to the direction of the law, and shall also be obliged to keep good strong beer in his house for the supply of travellers and others, upon forty shillings forfeiture for every neglect.
- General sessions to take recognizance.** [SECT. 7.] That every person who shall presume to sell brandy, rum, or other distilled spirits, wine, cyder, perry, beer, or any other strong drink without license first had and obtained from the general sessions of the peace, shall for every offence forfeit the sum of ten pounds, one-half to the poor of the town where the offence is committed, the other half between the commissioner and any other who shall inform him of the same, or suffer such other punishment as the law directs.
- Strangers and travellers.** [SECT. 8.] That when and so often as it shall be observed that there is a resort to houses suspected to sell strong drink without license, any justice of the peace shall have full power to convene such persons before him, and examine them on oath of the person suspected selling or retailing strong drink in such houses, and on just ground to bind over the person transgressing and the witnesses, to the next general sessions of the peace for the county where such offence shall be committed.
- Forfeiture of ten pounds.** *Be it further enacted by the authority aforesaid,*
- Houses not licensed.** [SECT. 9.] That any person refusing to give evidence as aforesaid, shall be lyable to the same penalty that the persons convicted for selling of drink without license are lyable unto, and shall enter into recognizance to answer it at the next general sessions of the peace, in the county where such contempt is offered.
- Persons refusing to give evidence.** [SECT. 10.] That every taverner, innholder, common victualler or retailer, who shall refuse to renew his license at the time by law
- Persons refusing to renew license.**



appointed, and to give bond to pay the duties of this act, shall be afterwards excluded during the continuance of this act.

[SECT. 11.] That every taverner, innholder, common victualler or retailer who shall be found to give a false account knowingly of any brandy, distilled spirits, wine, cyder or perry by him at the time, or bought, distilled or taken in for sale after his license is renewed or new granted, or refuse to give in an account on oath as aforesaid, shall be rendered incapable of having a license afterwards, and shall be prosecuted by the commissioner for his neglect, and fined by the general sessions of the peace to pay such sum of money as they may conclude that the excise of the liquors, &c., by him sold within such time would have amounted to.

Innholder, &c., giving a false account.

[SECT. 12.] And all fines, forfeitures and penalties arising by this act shall be recovered by bill, plaint or information, in any of his majesty's courts of record within the respective counties where the offence shall be committed. [*Passed June 27.*]

Fines and forfeitures, how disposed of.

## CHAPTER 2.

AN ACT FOR THE MORE EFFECTUAL DISCOVERING OF THE RATEABLE ESTATES WITHIN THIS PROVINCE, FOR A JUST AND TRUE VALUATION THEREOF.

*Be it enacted by the Lieutenant-Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

[SECT. 1.] That the assessors of each town within this province for the years one thousand seven hundred and thirteen and one thousand seven hundred and fifteen, or the selectmen in such town where there were no assessors, do forthwith make out a true and perfect list or schedule of the estates assessed in the years one thousand seven hundred and thirteen and one thousand seven hundred and fifteen, as well as the number of polls, together with the personal estate and faculties of the several inhabitants of each town respectively, and others not rated elsewhere; the same to contain the whole of polls and estates, &c., by which both town and province tax were apportioned, in such towns as make them distinct; which list containing an exact number of the polls, and a just valuation of both real and personal estate and faculty, shall be signed and sworn to by the major part of the said assessors or selectmen of each town respectively, or so many of them as shall be then living or remaining in such town, before one or more of his majesty's justices of the peace, or the town clerk in such town where there is no justice of the peace, and that they shall likewise certify how much they raised on the pound on all estates, &c., then assessed, and that they shall further certify all abatements and reimbursements by them made in consideration of any person's being overrated. And the said assessors or selectmen shall transmit the said lists and certifications, sealed up, to this court at their first sessions after the twentieth day of September next. And such assessors or selectmen shall have an oath administered to them by a justice of the peace or town clerk, of the tenor following; that is to say,—

List or schedule to be taken.

See 1707, chap. 7.

Valuation of real and personal estate sworn to.

You swear that after your best skill, with all fidelity, you have made this list, and that it is a true and perfect list of all the estate and faculties, and contains a just number of polls asstest in the year without any augmentation or diminution, and that the certifications thereto annexed are truly and faithfully made, according to the true intent and meaning of this act. So help you God.

and that such oath was so administred to be certified on the said list.

Assessors or selectmen to procure copies of the tax, &c.

[SECT. 2.] And all such towns as cannot return the lists in one thousand seven hundred and thirteen and one thousand seven hundred and fifteen, by reason of their being mislaid, destroyed or otherwise not to be obtained, in such case the present selectmen or assessors of such town shall procure and transmit attested copies of the province rates or tax of their respective towns for the years aforesaid, as they were committed to the constables to collect (the originals whereof the said constables, the selectmen, or assessors of those towns, are hereby required to exhibit to that end); and also shall proceed immediately to make a new, fair and just list, under oath, and return the same at the abovesaid sessions of this court; as also the frontier towns that were excused or abated by reason of the late Indian war; and all such towns as have been made since the aforesaid years shall make a true list and valuation of all their rateable estate and polls, upon oath, as aforesaid, and return a list by which their town taxes were apportioned in the aforesaid years, with how much on the pound, according to an act passed in the year one thousand seven hundred and seven, being an act for the better inquiry into the rateable estates of the respective towns within this province.

1707, chap. 7.

And, for the better and more effectual execution of this act,—

*Be it further enacted,*

Fifty pounds penalty on such person as shall refuse to return a list, unless, &c.

[SECT. 3.] That if the assessors, selectmen or any other person in whose custody the aforesaid lists are, shall neglect and refuse to return the same at the time prefixed, he or they shall forfeit and pay the sum of fifty pounds, unless such person or persons shall, in open court, swear that they have not directly nor indirectly been any ways aiding or assisting in the concealing or destroying of the aforesaid lists, and that they are really ignorant how they are disposed of; and that if the present assessors or selectmen of such towns where said lists are lost, and the assessors or selectmen of towns lately made, or of frontiers abated as abovesaid, shall not make return of new lists as abovesaid, they shall likewise forfeit the sum of fifty pounds, unless they shall make sufficient excuse to the acceptance of this court: the said fines to be recovered by bill, plaint or information in any of his majesty's courts of record within this province; the one-half to his majesty for and towards the support of this government, the other half to him or them that shall inform and sue for the same. And the town to which such defective assessors or selectmen do belong shall be further lyable to be doomed at the discretion of this court. [*Passed to be engrossed June 21.*]

Fifty pounds forfeiture.

## CHAPTER 3.

AN ACT IN FURTHER ADDITION TO AN ACT ENTITLED "AN ACT FOR MAKING [OF] LANDS AND TENEMENTS L[I][Y]ABLE TO THE PAYMENT OF DEBTS," MADE AND PASS[E]D IN THE EIGHTH YEAR OF THE REIGN OF KING WILLIAM.

*Be it enacted by the Lieutenant-Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

[SECT. 1.] That when any creditor or creditors shall recover judg[e]ment in any of his majesty's courts for any sum or sums of money, and costs of suit, and the debtor shall not satisfy the said judg[e]ment, in money or other estate to the acceptance of the creditor, he shall have execution thereupon, and deliver the same to the sheriff[e] of the county where the debtor's lands and houses lye and are being, who shall cause three appr[a]izers to be chosen, one by the

1696, chap. 10. (See 1692-3, chap. 48, § 6.)

1712-13, chap. 8. (Creditor recovering judgment and the debtor not satisfying the same to the creditor's acceptance, he shall have execution thereupon.)

creditor or creditors, another by the debtor or debtors (if he or they so please), and the third by such sheriff[e] ; and, having taken their oaths before any justice of the peace faithfully and impartially to appr[a]ize such lands and tenements as shall then be shewed unto them, as the estate of such debtor or debtors, they shall appr[a]ize the same to satisfy such execution, with the officer's fees, and set out such lands and tenements by metes and bounds ; and the sheriff shall thereupon deliver possession and seizin thereof to such creditor or creditors, or his or their attorney, which being returned and recorded shall be a good title to such creditor or creditors : *saving* equity [of] [by] redemption as by law is prescribed.

Appraisers,  
how chosen.

15 Mass., 201.  
3 Pick., 333.

[SECT. 2.] And when it so happens that lands and tenements cannot be divided and set out by metes and bounds as aforesaid, then such sheriff[e] shall extend such execution upon the rent of such lands and tenements, and give seizin thereof to such creditor or creditors, or his or their attorney, and cause the tenant or tenants thereof to attorn[e] and become tenant or tenants of such creditor and creditors, and to pay their rents to him or them accordingly, or, upon refusal thereof, to turn such ten[n]ant or ten[n]ants out of the possession thereof, and give livery, seizin and possession of the same to such creditor or creditors, to hold and enjoy such lands and tenements till such judg[e]ment, interest and fees be fully satisf[i][y]ed and paid ; reserving thereout the widow's thirds or dower, if any be.

Equity by re-  
demption.

*Provided always*[e]s,

[SECT. 3.] That it shall and may be lawful[1] for any such debtor or debtors, or his or their agent or attorney, at any time or times before such judg[e]ment, interest and charges be fully satisf[i][y]ed, to tender and pay to such creditor or creditors the full of his debt, interest and charges, who is hereby obliged to accept thereof, and surrender up to such debtor or debtors, his agent or attorney, such lands and tenements, and deliver up quiet and peaceable possession thereof, any law, usage or custom to the contrary thereof notwithstanding.

*Provided always*[e]s,

[SECT. 4.] That nothing in this act contained shall extend to the lands owned by the Indian[s] natives of this province. [*Passed June 19.*]

Indian natives

## CHAPTER 4.

AN ACT FOR REVIVING AND FURTHER CONTINUING OF AN ACT ENTITLED, "AN ACT DIRECTING HOW RATES AND TAXES TO BE GRANTED BY THE GENERAL ASSEMBLY SHALL BE ASSESSED AND COLLECTED," MADE AND PASSED BY THE GREAT AND GENERAL COURT OR ASSEMBLY AT THEIR SESSION UPON THE THIRTY-FIRST DAY OF MAY, ONE THOUSAND SIX HUNDRED AND NINETY-NINE, IN THE TWELFTH YEAR OF THE REIGN OF KING WILLIAM THE THIRD.

*Be it enacted by the Lieutenant-Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

That the said act and all and singular the paragraphs, clauses, articles, directions and powers therein contained, be and hereby are revived, re-enacted and directed to abide and remain in force, and accordingly to be exercised, practised and put in execution until the thirtieth day of June, *Anno Domini* seventeen hundred and seventeen, and no longer ; any law, usage or custom to the contrary notwithstanding. [*Passed June 26.*]

1699-1700, chap.  
26.

Time limited to  
June 30, 1717.

See 1707, chap.  
2.

## CHAPTER 5.

## AN ACT RELATING TO THE GREAT BRIDGE IN BILLERICA.

1699 1700, chap.  
25.

WHEREAS the agents for the towns of Billerica and Chelmsford, by direction of the said towns in their petition to this court at their present session, have shewed forth that there is a great bridge erected over Concord River, in the township of Billerica, and that the same bridge was built by the towns of Billerica, Chelmsford and Groton, and according to a former settlement made by a committee appointed for the settlement of the charge of the bridges in the county of Middlesex; but the town of Groton, upon application to this court in 1699, did obtain a discharge from either building or repairing, for the future, without further order from this court; and further it was alledged in the said petition that the said bridge is fallen into such decay that it is no ways profitable to repair, or safe to improve any longer as it now is, but that the same must of necessity be new built, and that it is apprehended the charge will be so great that the burthen will be too heavy for Billerica and Chelmsford to bear, for the reasons therein given, which more properly ought to come under consideration of the justices of the court of general sessions of the peace [in] [for] the county of Middlesex,—

*Be it therefore declared and enacted by the honourable the Lieutenant-Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

Referred to the  
justices of the  
general ses-  
sions of the  
peace for the  
county of Mid-  
dlesex.

That the matters contained in the said petition be referred to the consideration of the justices of the court of general sessions of the peace for the said county of Middlesex, at their quarter sessions; who are hereby fully authorized and impow[er]ed to take such order about the said bridge, from time to time, and at all times hereafter, as shall be judged meet and convenient, and to settle the charge of the same, upon any or every the towns of the said county. And the paragraph in the law exempting the town of Groton, from the charge of the said bridge, is hereby repealed, and made null and void. [*Passed June 26.*]

Groton.

## CHAPTER 6.

## AN ACT STATING THE FEES OF THE CUSTOM-HOUSE OFFICERS WITHIN THIS PROVINCE.

*Be it enacted by the Lieutenant-Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

Fees stated.

[SECT. 1.] That the fees to be hereafter demanded and received in the collector's office shall be these following, and none other:—

To the collector, for a register, six shillings, . . .	£0	6s.	0d.
for endorsing the same, two shillings, . . .	0	2	0
a certificate for naval stores, three shillings, . . .	0	3	0
for all foreign vessels entring inwards, and permit, six shillings, . . .	0	6	0
To the comptroller, (where any such officer is appointed)			
for the same, one shilling, . . .	0	1	0
To the two waiters, sixpence each, . . .	0	1	0
For all foreign vessels clearing outwards, the same as entring inwards.			

To the collector, a certificate of unloading enumerated goods, three shillings, . . . . .	£0	3s.	0d.
To the comptroller, for the same, one shilling, . . . . .	0	1	0

## COASTING VESSELS TO THE NEIGHBOURING COLONIES.

Entering inwards and permit to unload as far as Connecticut and New Hampshire, two shillings, . . . . .	0	2	0
The same outward, two shillings, . . . . .	0	2	0
Entering inwards from Annapolis, New York, and the colonies thence to South Carolina, and a permit; to the collector, five shillings, . . . . .	0	5	0
to the comptroller, one shilling, . . . . .	0	1	0
Clearing outwards, the same, six shillings, . . . . .	0	6	0

## COCQUET FOR EUROPEAN GOODS TO THE SAID PROVINCES.

To the collector, two shillings, . . . . .	0	2	0
To the comptroller, one shilling, . . . . .	0	1	0
And every cocquet for European goods bought at the shops or elsewhere (tho' including several parcels which may be entred together by the master) to the collector, three shillings, . . . . .	0	3	0
to the comptroller, one shilling, . . . . .	0	1	0

## COASTERS FROM PORT TO PORT WITHIN THIS PROVINCE, CARRYING MERCHANTIZE.

Entering, one shilling, . . . . .	0	1	0
Clearing, one shilling, . . . . .	0	1	0
A bill of store, to the collector, one shilling, . . . . .	0	1	0
to the comptroller, one shilling, . . . . .	0	1	0

And that all the roads and harbours from Cape Cod, on the south side (within the bay), to Boston, be deemed the port of Boston until an navil office be settled in them.

*And be it further enacted by the authority aforesaid,*

[SECT. 2.] That if any person or persons employed in the said office shall demand or take other or greater fees than by this law are allowed, shall be subject to the penalty of ten pounds, as is provided by an act entitled, "An Act for regulating fees," made and passed in the fourth year of the reign of King William and Queen Mary, or shall illegally delay or defer entring or clearing any ship or vessel, and dispatching any merchant in their course, such officer so offending shall be liable to cost and double damages, being thereof duly convicted in any of his majestie's courts of record within this province. And every officer in this province shall have a list of fees hanging up in his office, on the said penalty. [*Passed June 20.*]

Ten pounds  
penalty.

1692-3, ch. 37.

Officers offend-  
ing liable to  
cost.

## CHAPTER 7.

AN ACT IN ADDITION TO THE ACT FOR REGULATING FEES, MADE AND PASS[ED] IN THE FOURTH YEAR [OF THE REIGN] OF KING WILLIAM AND QUEEN MARY, STAT[E]ING THE FEES OF THE OFFICERS OF THE COURT OF ADMIRALTY.

*Be it enacted by the Lieut[enant]-Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

[SECT. 1.] That the fees to be hereafter demanded and received in the court of admiralty, shall be these following and none other:—

1692-3, ch. 27.  
Admiralty fees  
stated.



For condemnation of every prize above one hundred tuns, fifteen pounds, . . . . .	£15	0s.	0d.
Condemnation of every prize under one hundred tuns, ten pounds, . . . . .	10	0	0
Every summons for tryal[1]; to the register, two shillings, . . . . .	0	2	0
to the marshal[1], for serving, four shillings, . . . . .	0	4	0

## FILING AND ALLOWING EVERY LIBEL.

To the judge, six shillings and eightpence, . . . . .	0	6	8
To the register, six shillings, . . . . .	0	6	0
Every definitive decree; to the judge, one pound, . . . . .	1	0	0
to the register recording, six shillings and eightpence, . . . . .	0	6	8
to the marshal and cryer, eight shillings, . . . . .	0	8	0
Filing papers, examining and taxing cost[s]; to the judge, two shillings, . . . . .	0	2	0
the register, two shillings, . . . . .	0	2	0
A warrant of apprizement; to the register [ <i>six shillings</i> ], . . . . .	0	6	0
A warrant to take up deserters, runaways, &c.; to the register, six shillings, . . . . .	0	6	0
For every copy of record, twelpence per page, twenty-eight lines to a page, and eight words to a line. . . . .			
The attorney or advocate's fees, twelve shillings, . . . . .	0	12	0

Persons taking unlawful fees liable to costs and damages, &c.

*And be it further enacted by the authority aforesaid,*  
 [SECT. 2.] That if any person or persons employed in the said court shall demand or take other or greater fees than by this law are allowed, he or they shall be subject to the penalty in s[ai]d act provided, and shall be lyable to cost and double damages, being thereof duly convicted in any of his majesty's courts of record within this province. [Passed June 25.]

## CHAPTER 8.

AN ACT IN FURTHER ADDITION TO AN ACT ENTITULED "AN ACT RELATING TO SURETIES UPON MEAN PROCESS IN CIVIL ACTIONS," MADE AND PASSED AT A SESSION OF THE GENERAL COURT OR ASSEMBLY THE EIGHTH OF NOVEMBER, 1693, IN THE FIFTH YEAR OF THE REIGN OF KING WILLIAM AND QUEEN MARY.

1693-4, chap. 1.

WHEREAS in the said act it is provided "That all writs of *scire facias* shall be taken out and served upon the sureties, within twelve months after the first tryal and not afterward"; and forasmuch as, in several counties within this province, the superiour court of judicature, court of assize and general goal delivery is held and kept but once within twelve months, whereby the party or parties that recover judgment at such superiour courts can have no benefit of the said act,—

*Be it therefore enacted by the Lieutenant-Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

Writs of *scire facias* served upon sureties within two years after trial.

That writs of *scire facias* may be taken out and served upon sureties for the space of two years after the tryal upon an appeal, in all such counties where a superiour court of judicature, &c., is held but once in a year; any law, usage or custom to the contrary notwithstanding. [Passed June 19.]



## CHAPTER 9.

AN ACT FOR THE FURTHER CONTINUING OF AN ACT, ENTITULED "AN ACT FOR THE BETTER REGULATION OF SWINE GOING AT LARGE; IN ADDITION TO THE ACT FOR THE REGULATING OF FENCES, CATTLE, &c., AND FOR THE EXPLANATION THEREOF," MADE AND PASSED BY THE GREAT AND GENERAL COURT OR ASSEMBLY, AT THEIR SESSION UPON WEDNESDAY, THE TENTH OF FEBRUARY, 1713, IN THE TWELFTH YEAR OF THE REIGN OF HER LATE MAJESTY, QUEEN ANNE.

*Be it enacted by the Lieutenant-Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

That the said act, and all and singular the paragraphs, clauses, articles, directions and powers in the said act contained, be and hereby are revived, re-enacted and directed to abide and remain in force, and accordingly to be exercised, practised, and put in execution, till the thirtieth day of June, *Anno Domini* one thousand seven hundred twenty and one, and no longer; any law usage or custom to the contrary in any wise notwithstanding. [*Passed June 16.*]

1713-14, chap. 16.  
Time limited.

## CHAPTER 10.

AN ACT FOR THE FURTHER CONTINUING OF AN ACT, ENTITULED "AN ACT AGAINST HAWKERS, PEDLERS AND PETTY CHAPMEN," MADE AND PASSED BY THE GREAT AND GENERAL COURT OR ASSEMBLY AT THEIR SESSION UPON WEDNESDAY, 27TH OF MAY, 1713, IN THE TWELFTH YEAR OF THE REIGN OF HER LATE MAJESTY, QUEEN ANNE.

*Be it enacted by the Lieutenant-Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

That the said act, and all and singular the paragraphs, clauses, articles, directions and powers in the said act contained, be and hereby are further continued, re-enacted and directed to abide and remain in force, and accordingly to be exercised, practised and put in execution, till the thirtieth day of June, *Anno Domini* one thousand seven hundred twenty and six, and no longer; any law, usage or custom to the contrary in any wise notwithstanding. [*Passed June 16.*]

1713-14, chap. 7  
To remain in force to the 30th day of June, 1726.

## CHAPTER 11.

AN ACT FOR GRANTING UNTO HIS MAJESTY SEVERAL RATES AND DUTIES OF IMPOST AND TUNNAGE OF SHIPPING.

WE, his majesty's loyal and dutyfull subjects, the representatives of this his majesty's province of the Massachusetts Bay in New England, considering the necessity of granting a supply of money for calling in the sum of twenty-two thousand pounds granted unto her late majesty, by bills emitted at their several sessions *anno* one thousand seven hundred and eleven,\* to be levied and collected in this present year, one thousand seven hundred and sixteen, of which the duties of impost and excise and tunnage of shipping were to be a fund and security, have cheerfully and unanimously given and granted, and do hereby give and grant unto his most excellent majesty, to the end, use and intent afore-

\* NOTES to 1711-12, resolves (a), (b), (c).

said, and for no other use, the several dutys of impost upon wines, liquors, goods, wares and merchandizes that shall be imported into this province, and tunnage of shipping, hereafter mentioned and expressed, for calling in the sum of five thousand pounds, part of twenty-two thousand pounds above mentioned; and pray that it may be enacted,—

*And be it accordingly enacted by the Lieutenant-Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

[SECT. 1.] That after the publication of this act there shall be paid by the importer of all wines, liquors, goods, wares and merchandizes that shall be imported into this province from the place of their growth (salt, cotton, wooll, provisions and every other thing of the growth and produce of New England excepted), the several rates and dutys of impost following:—

For every pipe of common wine of the Western Islands, fifteen shillings.

For every pipe of Canary or Malago, twenty-five shillings.

For every pipe of Madera or Passado, twenty shillings.

For every pipe of Port wine or other sorts not mentioned, fifteen shillings.

For every hogshead of rum, containing one hundred gallons, the sum of fifteen shillings.

For every gallon of rum or other spirits distilled, the sum of one penny pr. gallon.

For every hundred pound sterling in English merchandize, prime cost, twenty shillings.

For every hogshead of sugar, two shillings.

For every hogshead of molosses, one shilling.

For every hogshead of tobacco, two shillings and sixpence.

For every ton of logwood, three shillings.

And so proportionably for greater or lesser quantitys.

For all other commodities, goods and merchandize not mentioned or excepted, one penny for every twenty shillings value.

[SECT. 2.] And for any of the above wines, liquors, goods, wares and merchandize, &<sup>re</sup>, that shall be imported into this province from any other ports than the places of their growth and produce, there shall be paid by the importer double the value of the impost appointed by this act to be received for every species above mentioned, unles they do *bona fide*, belong to the inhabitants of this province, and came upon their risque from the port of their growth.

*And be it further enacted by the authority aforesaid,*

[SECT. 3.] That all the aforesaid imposts, rates and dutys shall be paid in currant money, or in the bills of credit of this province, by the importer of any wines, liquors, goods or merchandizes, unto the commissioner and receiver to be appointed, as is hereinafter directed, for entering and receiving of the same, at or before the landing of any wines, liquors, goods or merchandizes. And all entries where the impost or duty to be paid doth not exceed four shillings, shall be made without charge to the importer; and not more than sixpence to be paid for any other single entry to what value soever.

*And be it further enacted by the authority aforesaid,*

[SECT. 4.] That all masters of ships or other vessells coming into any harbour or port within this province from beyond sea, or from any other province or colony, before bulk be broken, and within twenty-four hours after his arrival in such harbour or port, shall make a report to the commissioner or receiver of the impost, to be appointed as hereafter mentioned, of the contents of the lading of such ship or vessell, without any charge or fee to be demanded or paid for the same; which

report such master shall give in to the said commiss<sup>r</sup> or receiver, under his hand, and shall therein set down and express the quantities and species of the wines, liquors, goods and merchandizes laden on such ship or vessel, with the marks and numbers thereof, and to whome the same is consigned; and also make oath that the said report or manifest of the contents of his loading, so to be by him given in under his hand as afores<sup>d</sup>, contains a just and true account, to the best of his knowledge, of the whole lading taken on board and imported in said vessel from the port or ports such vessel came from, and that he hath not broken bulk nor delivered any of the wines, rum or other distilled liquors, laden on said ship or vessel, directly or indirectly, and that if he shall know of any more wines, liquors, goods or merchandizes to be imported therein before the landing thereof, he will cause it to be added to his manifest: which oath the commissioner or receiver is hereby impowred to administer: after which such master may unload, and not before, on pain of one hundred pounds to be forfeited and paid by each master that shall neglect his duty in this behalfe.

*And be it further enacted by the authority afores<sup>d</sup>,*

[SECT. 5.] That all merchants, factors or other persons, importers, being owners of or having any of the wines, liquors, goods or merchandizes consigned to them, that by this act are lyable to pay impost or duty, shall, by themselves or order, make entry thereof in writing, under their hands, with the said commissioner or receiver, and produce unto him the original invoice thereof, and pay the duty and impost by this act required, before such wines, liquors, goods, wares or merchandizes be landed or taken out of the vessel in which the same shall be imported, on pain of forfeiting all such wines, liquors, goods, wares or merchandizes so landed or taken out of the vessel in which the same shall be imported.

[SECT. 6.] And no wines, liquors, goods, wares or merchandizes that by this act are lyable to pay impost or duty shall be landed on any wharfe or into any warehouse or other place but in the day-time only, and that after sunrise and before sunset, unless in the presence of and with the consent of the commissioner or receiver, on pain of forfeiting all such wines, liquors, goods, wares and merchandizes, and the lighter, boat or vessel out of which the same shall be landed or put into any warehouse or other place.

[SECT. 7.] And if the commissioner or receiver shall suspect that any merchant, factor or other person to whome any wines, liquors, goods or merchandizes comes consigned, do's not, in the entry or writing thereof, to be given under his hand as aforesaid, make a full and perfect entry of such wines, liquors, goods and merchandizes, or that the invoices thereof, produced and shewn by any person or persons, as by this act is directed, are not really and *bona fide* the original invoices of the wines, liquors, and merchandizes such person or persons should then enter: in every such case the commissioner or receiver is hereby ordered and directed not to admit such person or persons to any entry of the said wines, liquors, goods or merchandizes, until he or they shall have made oath to the truth of said writing or invoice by him or them presented as afores<sup>d</sup>, which oath the commissioner or receiver is hereby impowred to administer. And if such person or persons shall not have and produce any invoice of the quantities of the rum or liquors to him or them consigned, then the caske wherein the same is, shall be gauged at the charge of the importer, that the quantity thereof may be known.

*And be it further enacted by the authority aforesaid,*

[SECT. 8.] That every merchant or other person, importing any wines into this province, shall be allowed twelve per cent for leakage:

*provided* such wines have not been filled on board; and that every hogshhead, butt or pipe of wine that hath two-thirds part thereof leaked out, shall be accounted for outs, and the merchant or importer to pay no impost or duty for the same. And no master of any ship or vessell shall suffer any wines to be filled up on board without giving a certificate of the quantity so filled, under his hand, before the landing thereof, to the commissioner or receiver of the impost in such port, on pain of forfeiting the sum of fifty pounds.

[SECT. 9.] And if it be made appear that any wines imported in any ship or vessell be decayed at the time of unlading thereof, or in twenty days afterwards, oath being made, if required, before the commissioner or receiver that the same hath not been landed above that time, the duties and impost paid for such wine shall be repaid unto the importer thereof.

*And be it further enacted by the authority aforesaid,*

[SECT. 10.] That the master of any ship or vessell importing any wines, liquors, goods, wares or merchandizes, shall be lyable to and shall pay the impost for such and so much thereof, contained in his manifest, as shall not be duly entred and the duty paid for the same by the person or persons to whome such wines, liquors, goods, wares or merchandizes are or shall be consigned. And it shall and may be lawful to and for the master of every ship or other vessell to secure and detain in his hands, at the owner's risque, all such wines, liquors, goods, wares or merchandizes imported in such ship or vessell, untill he shall receive a certificate from the commissioner or receiver of the impost that the duty for the same is paid, and untill he be repaid his necessary charges in securing the same; or, such master may deliver such wines, liquors, goods, wares or merchandizes as are not entred, unto the commissioner or receiver of the impost in such port, or his order, who is hereby impowred and directed to receive and keep the same, at the owner's risque untill the impost thereof, with charges, be paid, and then to deliver such wines, liquors, goods or merchandizes as such master shall direct.

*And be it further enacted by the authority aforesaid,*

[SECT. 11.] That the commiss<sup>r</sup> or receiver of the impost in each port shall be and hereby is impowred to sue the master of any ship or vessell for the impost or duty for so much of the lading of wines, liquors, goods, wares and merchandizes imported therein, according to the manifest by him to be given upon oath as aforesaid, as shall remain not entered, and the duty or impost thereof not paid. And where the goods, wares and merchandizes are such as that the value thereof is not known, whereby the impost to be recovered of the master for the same cannot be ascertained, the owner or person to whom such goods, wares or merchandizes are or shall be consigned, shall be summoned to appear as an evidence at the court where suit for the impost and duty thereof shall be brought, and be there required to make oath to the value of such goods, wares or merchandizes.

*And be it further enacted by the authority aforesaid,*

[SECT. 12.] That the ship or vessell with her tackle, apparel and furniture, the master of which shall make default in anything by this act required to be performed by him, shall be lyable to answer and make good the sum or sums forfeited by such master, according to this act, for any such default, as also to make good the impost or duty for any wines, liquors, goods, wares or merchandizes not entered as aforesaid; and upon judgement recovered against such master, the said ship or vessell, or so much of the tackle or appurtenances thereof as shall be sufficient to satisfy said judgement, may be taken in execution for the same. And the commissioner and receiver of the impost is hereby impowred to make seizure of such ship or vessell, and detain the same



under seizure until judgement be given in any suit to be commenced and prosecuted for any of the said forfeitures or impost, to the intent that if judgement be rendered for the prosecutor or informer, such ship or vessel, and appurtenances, may be exposed for satisfaction thereof as is before provided, unless the owners or some on their behalfe, for the releasing of such ship or vessell from under seizure and restraint, shall give sufficient security to the commissioner or receiver of the impost that seized the same, to respond and satisfy the sum or value of the forfeiture and duties, with charges, that shall be recovered against the master thereof upon suit to be brought for the same as aforesaid; and the master occasioning such loss and damage unto his owners, through his default or neglect, shall be lyable unto their action for the same.

*And it is further enacted,*

[SECT. 13.] That the naval officer within any of the ports of this province shall not clear or give passes to any master of any ship or other vessell outward bound, until he shall be certified, by the commissioner and receiver of the impost, that the impost and duties for the goods last imported in such ship or vessell are paid or secured to be paid. And the commissioner or receiver of the impost is hereby empowered to allow bills of store, to the master of any ships or vessells importing any wines or liquours, for such private adventures as shall belong to the master and seamen of such ship or other vessell, at the discretion of the commissioner or receiver, not exceeding three per cent of the lading; and the duties payable by this act for such wines or liquors, in such bills of store mentioned and expressed, shall be abated.

*And be it further enacted by the authority aforesaid,*

[SECT. 14.] That all penalties and forfeitures accruing or arising by virtue of this act shall be one-halfe to his majesty, for the uses and intents for which the aforementioned duties of impost are granted, and the other halfe to him or them that shall seize, inform and sue for the same, by action, bill, plaint or information, in any of his majesty's courts of record, wherein no essoign, protection or wager of law shall be allowed; the whole charge of prosecution being taken out of the halfe belonging to the informer.

*And be it further enacted by the authority aforesaid,*

[SECT. 15.] That there shall be paid by the master of every ship or other vessell coming into any port or ports in this province to trade or traffick, the major part of the owners whereof are not belonging to this province, except such vessells as belong to the provinces or colonies of Pensilvania, West and East Jersey, New Yorke, Connecticut or Rhode Island, every voyage such ship or vessell dos make, the sum of eighteen-pence pr. ton, or one pound of good new gunpowder, for every ton such ship or vessell is in burthen, to be paid unto the commissioner or receiver of the duties of impost and to be employed for the ends and uses aforesaid.

[SECT. 16.] And the said commissioner is hereby empowered to appoint a meet and suitable person to repair unto and on board any ship or vessell, to take the exact measure or tonnage thereof, in case he shall suspect that the register of such ship or vessell doth not express and set forth the full burthen of the same, the charge thereof to be paid by the master or owner of such ship or vessell before she be cleared, in case she appear to be of greater burthen; otherwise to be paid by the commissioner out of the moneys received by him for impost, and shall be allowed him accordingly by the treasurer in his accompts. And the naval officer shall not clear any vessell until he be also certified by the said commissioner that the duty of tunnage for the same is paid, or that it is such a vessell for which none is payable according to this act.

*And be it further enacted by the authority aforesaid,*

[SECT. 17.] That there be one fit person, and no more, nominated and appointed by this court as a commissioner and receiver of the aforesaid duties of impost and tannage of shipping, and for the inspection, care and management of the said office, and whatsoever relates thereunto, to receive commission for the same from the governour or commander-in-chief for the time being, with authority to substitute and appoint a deputy receiver in each port, besides that wherein he resides, and to grant warrants to such deputy receivers for their said place, and to collect and receive the imposts and tannage of shipping aforesaid that shall become due within such port, and to render the accompts thereof and pay in the same to the said commissioner and receiver; which said commissioner and receiver shall keep fair books of all entries and duties arising by virtue of this act, and the same to lye open, at all seasonable times, to the view and perusal of the treasurer and receiver-general of this province, with whom he shall accompt for all collections and payments, and pay in all such monies as shall be in his hands, as the treasurer shall demand it. And the said commissioner and receiver, and his deputy and deputies, before their entring upon the execution of the said office, shall be sworn to deal truly and faithfully therein, and shall attend in the office from nine to twelve of the clock in the forenoon, and from two to five of the clock, afternoon.

[SECT. 18.] And the said commissioner and receiver for his labour, care and expences in the said office, shall have and receive out of the province treasury the sum of seventy pounds pr. annum, and his deputy or deputies to be paid for their service such sum and sums as the said commissioner and receiver, with the treasurer, shall agree upon reasonable terms, not exceeding thirty pounds each; and the treasurer is hereby ordered, in passing and receiving the said commissioner's accompts, accordingly, to allow the payment of such salary or salaries as aforesaid to himselfe, and his deputy or deputies.

*Provided,*

[SECT. 19.] That this act shall continue in force from the publication thereof until the twenty-ninth day of June, which *which* will be in the year of our Lord one thousand seven hundred and seventeen, and no longer. [*Passed June 26.*]

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## CHAPTER 12.

AN ACT FOR APPORTIONING AND ASSESSING A TAX OF ELEVEN THOUSAND FIFTY-ONE POUNDS THIRTEEN SHILLINGS AND TENPENCE UPON POLLS AND ESTATES.

WHEREAS the great and general court or assembly of the province of the Massachusetts Bay in New England, at their sessions in May, 1711, did pass three several grants of taxes on polls and estates as funds and security for the repayment and drawing in several sums in the bills of credit on this province, ordered to be imprinted, repeated and issued out of the publick treasury for the service of the government; that is to say, at their sessions begun and held the 30th day of May, 1711, eight thousand pounds\* ; at their sessions begun and held the 17th of October, 1711, eight thousand pounds† ; at their sessions begun and held the 12th of March, 1711, six thousand pounds‡ ; applyed to the ends and uses in the said grants particularly enumerated and expressed; and

\* NOTES to 1711-12, resolve (a). † *Ibid.*, resolve (b). ‡ *Ibid.*, resolve (c).



by resolves of the court that made the aforesaid grants, it was then ordered that the sum of twenty-two thousand pounds should be apportioned, assessed and levied on polls, and estates both real and personal, within this province, according to such rules and in such proportion, upon the several towns and districts within the same, as shall be agreed on and ordered by this court in their present session; wherefore, for the ordering, directing and perfecting the said sum of eleven thousand fifty-one pounds, thirteen shillings and tenpence, which, with the sum of five thousand pounds by the impost and tunnage of shipping, five thousand nine hundred forty-eight pounds six shillings and twopence on the excise, will make the sum of twenty-two thousand pounds, pursuant to the funds and grants aforesaid, which is unanimously approved, ratified and confirmed; and we, his majesty's loyal and dutiful subjects, the representatives in general court assembled, pray that it be enacted.—

*And be it accordingly enacted by His Honour the Lieutenant-Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

[SECT. 1.] That each town or district within this province be assessed and pay as such town and district's proportion of the aforesaid eleven thousand fifty-one pounds thirteen shillings and tenpence, the sum following; that is to say,—

#### IN THE COUNTY OF SUFFOLK.

Boston, eighteen hundred eighty-one pounds and fourteen shills., . . . . .	£1,881	14s.	0d.
Roxbury, one hundred forty-eight pounds nineteen shills. and fivepence, . . . . .	148	19	5
Dorchester, two hundred and four pounds sixteen shills. and sevenpence, . . . . .	204	16	7
Hingham, one hundred sixty-seven pounds eleven shilling and ninepence, . . . . .	167	11	9
Brantrey, one hundred forty-eight pounds nineteen shillings and fivepence, . . . . .	148	19	5
Dedham, with Needham, one hundred twenty-five pounds thirteen shills. and sevenpence, . . . . .	125	13	7
Medway, with Medfield, one hundred and nine pounds twelve shillings and sevenpence, . . . . .	109	12	7
Weymouth, ninety pounds sixteen shillings and fourpence, . . . . .	90	16	4
Milton, sixty-five pounds three shillings and twopence, . . . . .	65	3	2
Hull, thirty-seven pounds ten shillings, . . . . .	37	10	0
Wrentham, thirty-seven pounds ten shillings, . . . . .	37	10	0
Mendon, fifty-one pound four shillings and twopence, . . . . .	51	4	2
Woodstock, forty-six pound thirteen shillings, . . . . .	46	13	0
Brooklyn, fifty-five pounds seventeen shillings and threepence, . . . . .	55	17	3

#### IN THE COUNTY OF ESSEX.

Salem, three hundred seventy-eight pounds nineteen shillings, . . . . .	378	19	0
Ipswich, four hundred sixty-five pounds ten shillings and sixpence, . . . . .	465	10	6
Newbury, three hundred twenty-five pounds three shillings and eightpence, . . . . .	325	3	8
Marblehead, one hundred ninety-six pounds and threepence, . . . . .	196	0	3
Lynn, one hundred fifty-three pounds twelve shillings and threepence, . . . . .	153	12	3

Andover, one hundred fifty-six pounds sixteen shillings and twopence, . . . . .	£156 16s. 2d.
Beverly, one hundred twenty-five pounds nine shillings, . . . . .	125 9 0
Rowly, one hundred fifteen pounds and nine shillings, . . . . .	115 9 0
Salisbury, eighty-six pounds two shillings and threepence, . . . . .	86 2 3
Haverhill, eighty-three pounds six shillings, . . . . .	83 6 0
Glocester, ninety-eight pounds, . . . . .	98 0 0
Topsfield, eighty-three pounds fifteen shills. and eightpence, . . . . .	83 15 8
Boxford, sixty-four pounds nine shillings and fivepence, . . . . .	64 9 5
Amesbury, seventy-five pounds, . . . . .	75 0 0
Bradford, sixty-eight pounds twelve shillings, . . . . .	68 12 0
Wenham, sixty-four pounds four shills. and tenpence, . . . . .	64 4 10
Manchester, twenty-one pounds eight shillings and fourpence, . . . . .	21 8 4

## IN THE COUNTY OF MIDDLESEX.

Charlestown, two hundred seventy-four pounds twelve shillings and tenpence, . . . . .	274 12 10
Watertown, one hundred forty-nine pounds nine shills. and a penny, . . . . .	149 9 1
Weston, forty-nine pounds, . . . . .	49 0 0
Cambridge, one hundred and twenty pounds nine shillings and fivepence, . . . . .	120 9 5
Concord, one hundred fifty-six pounds and nine shillings, . . . . .	156 9 0
Woburn, one hundred and fifty-five pounds, . . . . .	155 0 0
Reading, one hundred and eighteen pounds nine shillings and fourpence, . . . . .	118 9 4
Sudbury, one hundred and sixteen pounds sixteen shills. and sixpence, . . . . .	116 16 6
Marlborough, one hundred twenty-seven pounds eight shills. and twopence, . . . . .	127 8 2
Lexington, sixty-six pounds sixteen shillings and fourpence, . . . . .	66 16 4
Newtown, ninety-seven pounds and sixpence, . . . . .	97 0 6
Malden, eighty-eight pounds eight shillings and fourpence, . . . . .	88 8 4
Chelmsford, eighty-three pounds six shillings, . . . . .	83 6 0
Billerica, seventy-five pounds three shills. and threepence, . . . . .	75 3 3
Sherburn, fifty-three pounds five shillings and fourpence, . . . . .	53 5 4
Groton, fifty pounds, . . . . .	50 0 0
Lancaster, fifty-five pounds, . . . . .	55 0 0
Framingham, fifty-eight pounds sixteen shillings, . . . . .	58 16 0
Medford, thirty-two pounds eleven shillings and sixpence, . . . . .	32 11 6
Stow, thirty-nine pounds four shillings, . . . . .	39 4 0
Dunstable, nineteen pounds twelve shillings, . . . . .	19 12 0
Dracut, sixteen pounds, . . . . .	16 0 0

## IN THE COUNTY OF HAMPSHIRE.

Springfield, one hundred thirty-two pounds six shillings and twopence, . . . . .	132 6 2
Northampton, one hundred and seventeen pounds twelve shillings, . . . . .	117 12 0

Hadley, eighty pounds, . . . . .	£80	0s.	0d.
Hatfield, sixty-three pounds ten shillings and sixpence, . . . . .	63	10	6
Westfield, fifty-five pounds seventeen shillings, . . . . .	55	17	0
Sutfield, thirty-nine pounds four shillings, . . . . .	39	4	0
Enfield, thirty-nine pounds four shillings, . . . . .	39	4	0
Deerfield, . . . . .			

## IN THE COUNTY OF PLYMOUTH.

Plymouth, ninety-eight pounds fourteen shillings, . . . . .	98	14	0
Plympton, fifty pounds six shillings, . . . . .	50	6	0
Situate, one hundred eighty-four pounds eleven shillings threepence, . . . . .	184	11	3
Bridgewater, one hundred and ten pounds, . . . . .	110	0	0
Marshfield, ninety-three pounds one shilling and tenpence, . . . . .	93	1	10
Pembroke, thirty-five pounds ten shillings and fourpence, . . . . .	35	10	4
Duxbury, fifty-six pounds three shills. and sixpence, . . . . .	50	3	6
Middleborough, fifty-one pounds four shillings, . . . . .	51	4	0
Rochester, fifty pounds, . . . . .	50	0	0
Abington, eleven pounds twelve shillings and ninepence, . . . . .	11	12	9

## IN THE COUNTY OF BARNSTABLE.

Barnstable, one hundred seventy-six pounds seventeen shills. and fivepence, . . . . .	176	17	5
Eastham, one hundred pounds, . . . . .	100	0	0
Truro, thirty-nine pounds four shillings, . . . . .	39	4	0
Sandwich, one hundred twenty-five pounds thirteen shillings and sixpence, . . . . .	125	13	6
Yarmouth, ninety-eight pounds and twopence, . . . . .	98	0	2
Harwich, fifty-five pounds seventeen shillings, . . . . .	55	17	0
Falmouth, thirty pounds, . . . . .	30	0	0
Chatham, thirty-two pounds seven shillings, . . . . .	32	7	0

## IN THE COUNTY OF BRISTOL.

Bristol, one hundred and five pounds seventeen shillings, . . . . .	105	17	0
Taunton, one hundred twenty-four pounds sixteen shillings and twopence, . . . . .	124	16	2
Norton, with the east end of North Purchase, thirty pounds, . . . . .	30	0	0
Dartmouth, one hundred seventy-six pounds eight shillings, . . . . .	176	8	0
Dighton, thirty-three pounds ten shillings and fourpence, . . . . .	33	10	4
Rehoboth, one hundred and ten pounds, . . . . .	110	0	0
Little Compton, one hundred and twenty pounds seventeen shillings and sixpence, . . . . .	120	17	6
Swansey, one hundred twenty-seven pounds eight shillings and threepence, . . . . .	127	8	3
Tiverton, eighty-eight pounds four shillings, . . . . .	88	4	0
Freetown, thirty-nine pounds four shillings, . . . . .	39	4	0
Attleborough, thirty-four pounds eighteen shills. and twopence, . . . . .	34	18	2

## IN DUKE'S COUNTY.

Edgartown, fifty-one pounds and four shillings, . . . . .	51	4	0
Chilmark, sixty pounds, . . . . .	60	0	0
Tisbury, twenty pounds, . . . . .	20	0	0

## IN THE COUNTY OF YORK.

York, forty pounds, . . . . .	£40 0s. 0d.
Kittery, sixty pounds seven shillings, . . . . .	60 7 0
Berwick, thirty-two pounds eleven shillings and eight-pence, . . . . .	32 11 8
Wells, twenty pounds, . . . . .	20 0 0
Nantucket, one hundred and twelve pounds fifteen shillings and twopence, . . . . .	112 15 2

*And be it further enacted by the authority aforesaid,*

[SECT. 2.] That the treasurer do forthwith send out his warrants, directed to the selectmen or assessors of each town or district within this province, requiring them, respectively, to assess the sum hereby set upon such town and district, in manner following; that is to say, to assess all rateable male polls above the age of sixteen years at five shillings the poll (except the governour and lieutenant-governour and their families, the president, fellows and students of Harvard College, settled ministers and grammar-school masters, who are hereby exempted as well from being taxed for their polls, as for their estates being in their own hand and under their actual management and improvement), and other persons (if such there be), who thro' age, infirmity or extream poverty, in the judgment of the assessors, are not capable to pay towards publick charges, they may except their polls, and so much of their estates as, in their prudence, they shall think fit and judge meet; and all estates, both real and personal, lying within the limits and bounds of such town or district, or next unto the same, not paying elsewhere, in whose hand, tenure, occupation or possession soever the same is or shall be found; and income by any trade or faculty which any person or persons (except as before excepted) do or shall exercise in gaining, by monies or other estate not particularly otherwise assest, or commissions of profit in their improvement, according to their understanding and cunning, at one peny on the pound; and to abate or multiply the same, if need be, so as to make up the sum hereby set and ordered for such town or district to pay; and, in making their assessments, to estimate houses and lands at six years' income of the yearly rents whereat they may be reasonably set or let for in the places where they lye (saving all contracts betwixt landlord and tenant, and where no such contract is, the landlord to reimburse one-half of the tax set upon such houses and lands); and to estimate Indian, negro and molatto servants proportionably, as other personal estate, according to their sound judgment and discretion: as also to estimate every ox of four years old and upwards, at forty shillings; every cow of three years old and upwards, at thirty shillings; every horse and mare of three years old and upwards, at forty shillings; every swine of one year old and upwards, at eight shillings; every sheep and goat of one year old and upwards, at four shillings; likewise requiring the assessors to make a fair list of the said assessment, setting forth, in distinct columns, against each particular person's names, how much he or she is assessed at for polls, and how much for houses and lands, and how much for personal estate, and income by trade or faculty; and the list or lists so perfected and signed by them, or the major part of them, to commit to the collectors, constable or constables of such town or district, and to return a certificate of the name or names of such collector, constable or constables, together with the sum total to each of them respectively committed, unto himself some time before the last day of September next.

[SECT. 3.] And the treasurer for the time being, upon the receipt of

such certificate, is hereby impowered and ordered to issue forth his warrant to the collectors, constable or constables of such town or districts, requiring him or them, respectively, to collect the whole of each respective sum assessed on each particular person, before the last day of March next; and of the inhabitants of the town of Boston to collect their proportion some time in the month of January aforegoing, and to pay in their collections and issue the accompts of the whole at or before the last day of May, which will be in the year of our Lord one thousand seven hundred and seventeen.

*And be it further enacted by the authority aforesaid,*

[SECT. 4.] That the assessors of each town and district, respectively, in convenient time before their making the assessment, shall give seasonable warning to the inhabitants in a town meeting, or by posting up notifications in some place or places in such town or district, or otherwise to notify the inhabitants, to give or bring into the said assessors true and perfect lists of their polls and rateable estate; and if any person or persons shall neglect or refuse so to do, or bring in a false list, it shall be lawful to and for the assessors to assess such person or persons, according to their known ability within such town, in their sound judgment and discretion, their due proportion to this tax, as near as they can, according to the rules herein given, under the penalty of twenty shillings for each person that shall be convicted by legal proof, in the judgment of the assessors, of bringing in a false bill: the said fine to be for the use of the poor of such town or district where the delinquent lives, to be levied by warrant from the assessors, directed to the collector or constable in manner as is directed for gathering of town assessments, and to be paid in to the town treasurer or selectmen for the use aforesaid: *saving* to the party agrieved at the judgment of the assessors in setting of such fine, liberty of appeal therefrom to the court of general sessions of the peace within the county, for relief as in case of being overrated.

[SECT. 5.] And if the party be not convicted of any falseness in the list by him presented of polls, rateable estate, and income by any trade or faculty which he doth or shall exercise in gaining by money or other estate, not particularly otherwise assessed, such list shall be a rule for such person's proportion to the tax which the assessors may not exceed. [Passed June 25, 1716.]

# ACTS

PASSED AT THE SESSION BEGUN AND HELD AT BOSTON,  
ON THE SEVENTH DAY OF NOVEMBER, A.D. 1716.

## CHAPTER 13.

AN ACT IN ADDITION TO THE ACT INTITULED "AN ACT FOR THE BETTER OBSERVATION AND KEEPING OF THE LORD'S DAY," MADE AND PASS'D BY THE GREAT AND GENERAL COURT OR ASSEMBLY AT A SESSIONS HELD AT BOSTON, THE 12TH DAY OF OCTOBER, 1692, IN THE FOURTH YEAR OF THE REIGN OF THEIR LATE MAJESTYS, KING WILLIAM AND QUEEN MARY.

1692-3, chap. 22,  
§ 1.  
1692-3, chap. 22,  
§ 2.  
9 Allen, 119.

WHEREAS in and by the said act it is declared "That no tradesman, artificer, labourer or other person whatsoever, shall, upon the land or water, do or exercise any labour, business or work of their ordinary callings, nor use any game, sport, play or recreation on the Lord's day, or any part thereof (works of necessity and charity only excepted), upon pain that every person so offending shall forfeit five shillings; and further, that no traveller or drover, horse-courser, waggoner, butcher, higler, or any their servants, shall travel on that day or any part thereof, except as by the said law is excepted, upon the pain of twenty shillings;" notwithstanding which many persons do presume to work and travel on the said day: for the more effectual preventing such immoral and irreligious practices,—

*Be it enacted by His Excellency the Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

Penalty of ten shillings on laborers, &c., and twenty shillings on travellers for the first offence.

[SECT. 1.] That whoever shall for the future, contrary to the said act, do or exercise any labour, business or work[c] of their ordinary callings, or use any game, sport, play or recreation on the Lord's day, or any part thereof, shall forfeit and pay the sum of ten shillings, and all persons travelling contrary to the said act, the sum of twenty shillings, for the first offence; and upon a second conviction of either of the aforesaid offences, double the respective sums aforementioned, and be also bound with sureties for their good behaviour to the next sessions of the peace in such county where said offenders shall be convict. And that if any person[s], being able of body and not otherwise necessarily prevented, shall for the space of one month together absent themselves from the publick worship on said day, the grand jurors are hereby directed and required to present such persons to the general sessions of the peace, who, unless they can make proof that they have not so absented themselves, but have attended divine worship in some publick assembly, shall forfeit and pay the sum of twenty shillings. And in case any of the offenders mentioned in this act shall be unable or refuse to satisfy their fine, they shall be adjudged to be set in the cage or stocks not exceeding three hours, according to the discretion of the justices.

Persons to be presented that shall for one month neglect to attend the public worship.

Penalty twenty shillings.



*Be it further enacted by the authority aforesaid,*

[SECT. 2.] That the fines and penalt[y][ie]s aris[e]ing by this act shall be disposed as by the said law is already provided; any law, usage or custom to the contrary notwithstanding. *[Passed November 26.]*

Fines, how disposed of.

## CHAPTER 14.

### AN ACT FOR SETTLING OF GRANTS.

WHEREAS sundry grants of lands have been made by the general court at divers times unto particular persons, of which grants the greatest part has been taken up, but some may be yet standing out,—

*Be it therefore enacted by His Excellency the Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

[SECT. 1.] That all persons claiming a right to any tract or tracts of land by grant from the general court, and not yet laid out, shall, within the space of three years from the publication of this act, bring a copy of their grant to the general assembly of this province, in order to have the same laid out and confirmed to them; and all such as neglect or refuse to bring in their claims as abovesaid, shall forfeit their right to such grants.

Persons to bring in their grants within three years.

*Provided,*

[SECT. 2.] This act be not understood to barr the title of any infant, feme covert, or person *non compos mentis*, imprison'd, in captivity or beyond the seas, who shall be allowed the term of three years after such imperfection removed, to pursue their claim and challenge to any grants of land so made to them or their predecessors; anything in this act to the contrary notwithstanding. *[Passed December 1.]*

Proviso.

## CHAPTER 15.

### AN ACT IN ADDITION TO THE ACT INTITULED "AN ACT FOR THE PUNISHING CRIMINAL OFFENDERS."

WHEREAS when any person is apprehended for theft or robbery, and admitted to bail, the recognizance is only to the king, to answer for the crime, whereby, in case the offender doth not appear but make default, the party injured loseth the benefit of an act intituled "An Act for the punishing Criminal Offenders," which gives the party injured treble damages upon conviction; for remedy whereof.—

1692-3, chap. 18, § 8.  
And see 1698, chap. 8.  
1702, ch. 9;  
1711-12, chap. 5

*Be it enacted by His Excellency the Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

That if any person shall be apprehended for any of the crimes mentioned in those paragraphs of the abovesaid act which relate to theft or robbery, and be admitted to bail, he shall not only recognize to the king's majesty, for his appearance at the court in said recognizance mentioned, to answer for his crime, but shall also enter into another recognizance with sufficient sureties, to the party injured, for treble of the money, goods or chatt[el][le]s, which he shall be charged with stealing; and if the said offender shall make default, and not appear to take his tryal according to his recognizance, in such case the said recognizance shall

Persons apprehended for theft, &c., admitted to bail, shall not only recognize to the king, but also recognize with sureties to the person injured, &c.

be declared forfeited by the court where the said criminal ought to have been tryed, and the party injured shall recover treble damages against the sureties for so much as can be made appear to be stolen, as if the offender had put himself on his tryal and had been convict; any law, usage or custom to the contrary notwithstanding. [*Passed December 1.*]

## CHAPTER 16.

AN ACT IN ADDITION TO AN ACT FOR THE ORDERLY CONSUMMATING OF MARRIAGES, MADE AND PASS'D IN THE SEVENTH\* YEAR OF THE REIGN OF KING WILLIAM THE THIRD.

1692-3, chap. 25.  
1695-6, chap. 2,  
§ 4.

WHEREAS in and by the said act it is provided "That no person other than a justice of the peace, and that within his own county only, or ordained minister, and that only in the town where he is settled in the work of the ministry, shall or may presume to joyn any persons together in marriage; nor shall any justice or minister joyn any persons in marriage other than such, one or both of whom are inhabitants or residents in such county or town respectively,"—

*Be it enacted by His Excellency the Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

Ministers' power to marry enlarged.

7 Mass. 54.

[SECT. 1.] That the power granted ministers to joyn persons together in marriage be hereby enlarged, so as that where there shall be no settled ordained minister in any town or precinct, or where the only settled ordained minister of any town or precinct is himself to be married, it shall and may be lawful in such cases for the next settled ordained minister in another town, within the same county, to joyn in marriage the minister, or inhabitants of such town or precinct destitute of such settled ordained minister, if such minister or inhabitants desire it, according to the rules prescribed by the laws of this province for the consummating marriages.

*And be it further enacted by the authority aforesaid,*

Allowance of four shillings.

[SECT. 2.] That every justice or minister shall have four shillings for each marriage, and pay out of it sixpence to the town clerk when they return their certificates to him.

And whereas there is great failure in returning certificates of marriages to the town clerk,—

*Be it enacted,*

Ten shillings fine.

[SECT. 3.] That each justice or minister neglecting to make due return to the town clerk, as the law directs, every of them shall pay a fine of ten shillings for such neglect.

*And be it further enacted,*

Town clerk to give in to the clerk of the sessions a list of all marriages.

[SECT. 4.] That every town clerk shall give in a true list of all marriages returned to him by the justices and ministers respectively, unto the clerk of the sessions of the peace in each county, sometime in the month of April yearly, and every year, upon the penalty of forfeiting twenty shillings fine for every neglect. And every town clerk shall pay twopence to the clerk of the peace, for every marriage returned by him, as aforesaid, which shall be the fee for the clerk of the peace, his recording the same. And each fine is to be recovered by bill, plaint or information in any court of record.

*Provided,*

Proviso.

[SECT. 5.] That every justice of peace or minister, authorized to joyn persons together in marriage, every clerk of the peace and town

\* The "Act for the orderly consummating of marriages" was passed the 4th of William and Mary, (1692-3, chap. 25); the additional clause referred to in the above preamble occurs in the "Act to prevent incestuous marriages" (1695-6, chap. 2, § 4).

clerk respectively, may be prosecuted upon this or any former act relating to marriages, within two years after the offence committed, and not afterwards; any law, usage or custom to the contrary notwithstanding.

[*Passed December 1.*]

## CHAPTER 17.

### AN ACT FOR THE MORE EFFECTUAL PREVENTING DEFAULT IN THE APPEARANCE OF JURORS.

WHEREAS the mulcts or fines set upon jurors for not appearing and attending the several courts of justice within this province, whereto they are respectively chosen and summoned, are by law limited to the sum of forty shillings, by reason whereof persons most able and best qualified to perform that duty oftentimes choose rather to incur and undergoe so small a penalty than to perform that service, which hath prov[e]d a general inconvenience, tending greatly to the damage of many persons in cases of the greatest moment and concern, as well as very much retarding the business and affairs of the several courts; for remedy whereof,—

1698, chap. 13.

*Be it enacted by His Excellency the Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

[SECT. 1.] That the justices of the superiour court of judicature, court of assize and general goal delivery, and the justices of the inferiour court of common pleas, and of the general sessions of the peace, respectively, shall and hereby are required to set reasonable fines upon all jurors duely return[e]d to serve in the said courts, that make default, unless necessitated thereto by reason of sickness or some other extraordinary let[t] or hindrance, not less than the sum of four pounds, nor exceeding the sum of six pounds, each, at the discretion of the said justices, and to cause the same to be levied and disposed of as by law provided.

Superior and inferior courts to set fines on jurors that make default.

*And be it further enacted,*

[SECT. 2.] That the fee or allowance to be paid to the petty jury for each verdict shall be thirteen shillings; any law, usage or custom to the contrary notwithstanding. [*Passed November 29.*]

Petty jury's allowance thirteen shillings.

## CHAPTER 18.

### AN ACT FOR THE MAKING AND EMITTING THE SUM OF ONE HUNDRED THOUSAND POUNDS IN BILLS OF CREDIT ON THIS PROVINCE, IN SUCH MANNER AS IN THE SAID ACT IS HEREAFTER EXPRESSED.

WHEREAS, by reason of a long and expensive war which his majesty's good subjects of this province have been lately engaged in for their own necessary defence, and of some very chargeable expeditions undertaken against the French of Canada, and other places, by royal orders from her late majesty, there is an heavy debt now lying on the publick: and whereas all the silver money which formerly made payments in trade to be easy, is now sent into Great Britain to make returns for part of what is owing there, and the bills of credit on the province, being yearly called in, are now grown very scarce, and few of them passing in proportion to the great demand there is for the same; to the intent, therefore, that there be some relief under these present difficulties, and that

the husbandry, fishery and other trade and commerce of the province may be encouraged and promoted,—

*Be it therefore enacted by His Excellency the Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

One hundred thousand pounds in bills to be made, and put into the hands of trustees, to let out at five per cent. to the several counties, in proportion.  
Suffolk, £28,797.

Essex, £23,242.

Middlesex, £18,997.  
Hampshire, £4,947.  
Plymouth, £6,674.  
Barnstable, £6,000.  
Bristol, £8,600.  
York, £1,147.

Nantucket, £1,025.

Dukes County, £1,162.

Estates mortgaged to be double the value of the sum taken out thereon.

Proviso.

1698, ch. 22.

[SECT. 1.] That the sum of one hundred thousand pounds in bills of credit, of the same tenour with those already emitted, be forthwith made off two plates; that is to say, the sum of eighty thousand pounds off the plate of the highest denomination, and twenty thousand pounds off the plate of the middle denomination; to be proportioned and distributed to the principal counties within this province according to their last province tax; that is to say, to the county of Suffolk, twenty-eight thousand seven hundred and ninety-seven pounds; to the county of Essex, twenty-three thousand two hundred and forty-two pounds; to the county of Middlesex, eighteen thousand and ninety-seven pounds; to the county of Hampshire, four thousand nine hundred and forty-seven pounds; to the county of Plymouth, six thousand six hundred and seventy-four pounds; to the county of Barnstable, six thousand pounds; to the county of Bristol, eight thousand nine hundred and nine pounds; to the county of York, eleven hundred and forty-seven pounds; and that the sum of one thousand and twenty-five pounds, being the proportion for Nantucket, be added to the county of Suffolk; and that the sum of eleven hundred and sixty-two pounds, being the proportion for Dukes county, be added to the county of Barnstable; and put into the hands of five trustees for each county, to be named and appointed by the general court, three of whom to be a quorum, with power to act, who are to let out the said bills to such of the inhabitants of this province as desire it, on a good real security within the same, at five pounds per cent per annum, interest, in sums not exceeding five hundred pounds and not under twenty-five pounds to one person, for the space and term of ten years from the first letting out of any of the said bills, the interest arising thereon being annually paid, and the principal and interest then due to be paid in again to the commissioners; unless any person or persons borrowing any of the aforesaid bills see cause to pay in, besides the interest, the whole or any part of the principal, not under the sum of twelve pounds ten shillings, at any time before the expiration of the time limited, as aforesaid; that then the said commissioners are directed to take in the same, and upon payment of the whole to discharge the mortgage, but if in part, to endorse it on the original mortgage, which shall be a discharge so far. And that all estates mortgaged for bills borrowed of the commissioners shall be at least double the value of the sum taken out thereupon. And that all persons, if required by the commissioners, shall bring a valuation of the estates to be mortgaged from under the hands of the selectmen of the town, or the major part of them, where such estate lyes, who are hereby alike required faithfully and impartially to transact the same, to prevent frauds and deceits.

*Provided, nevertheless,*

[SECT. 2.] That if any person or persons shall neglect and refuse to pay unto the commissioners the yearly interest due upon the sums borrowed, at the time when the same become due, and continue in the neglect thereof for the space of sixty days after that, then the commissioners shall put in suit all such deeds of mortgage which were security for the bills so borrowed. And the justices of the courts before whom such suits shall be brought are hereby directed and impowred, upon verdict found, confession of the party, or default made, to enter up judgment, and award execution accordingly, pursuant to an act intituled "An Act for the hearing and determining of cases in equity," made and

pass'd by the great and general court or assembly, at their sessions in Boston, the fifteenth day of November, 1698, in the tenth year of the reign of his late majesty, King William.

[SECT. 3.] And that all estates that shall become forfeited, and be in the actual possession of the commissioners, shall not be by them alienated till after the space of three years next after such possession obtained, but by them put under the best improvement, that so the mortgager, or his heirs, may bring their suit for redemption thereof, in manner as is provided by the afore-recited act for hearing and determining of cases in equity; and that after the expiration thereof the commissioners shall make sale of all estates so forfeited, and return the overplus of the money received therefor, all necessary cost and charges being first deducted, to the mortgager, his heirs or assigns.

*And be it further enacted,*

[SECT. 4.] That when the commissioners shall receive in the whole, or any part, of the principal sums before the time expired, they shall let out the same again as aforesaid; and they shall be accountable yearly, both for the principal and for the profits of all bills by them let out, to the great and general court or assembly; the profits to be applied for and towards the support of the government, as the general court shall from time to time direct; and that at the expiration of the ten years, as aforesaid, the commissioners shall deliver up all the bills then in their possession unto a committee of the general court, that they may be burnt to ashes.

Trustees to be accountable for the principal and profits.

*And be it further enacted by the authority aforesaid,*

[SECT. 5.] That when the whole of what is due upon any mortgage be paid in to the commissioners, they, or any three of them, shall sign a receipt on the back side of the original mortgage, certifying therein that they have received full satisfaction for the same; which, being entred in the margin of the registry where such mortgage is recorded, shall be a full and final discharge thereof.

Trustees to pass receipts.

[SECT. 6.] And all mortgages, made and to be made, shall be to the commissioners, in trust for the ends and uses aforesaid, who shall for that purpose give their attendance at some convenient place in the shire towns of the respective counties, on Wednesday, once in a fortnight, for six months from their first beginning to let out the said bills; and after that, on Wednesday, once in each month, during the term of ten years aforesaid; and in letting out the said bills, are to have a special regard to the inhabitants of the several towns in their respective counties, with respect to their publick tax.

Mortgages to be made to the trustees.

Time and place of their attendance.

[SECT. 7.] And for three months' space after their receipt of any part of the said bills, they are to make such a reserve as that the inhabitants of each town may have the opportunity of taking their proportion thereof.

[SECT. 8.] And the said commissioners shall be sworn before the governour and council, or some court of record, to the true and faithful discharge of the great trust in them reposed, and be rewarded for their service by and with the allowance of ten shillings on every hundred pounds they shall so let out, and the sum of twenty shillings on every hundred pounds that shall be paid in to them, to be equally divided among them.

Trustees to be sworn.

Their allowance.

[SECT. 9.] And that Adam Winthrop, William Denison, Elisha Cooke, Oliver Noyes and Samuel Thaxter, Esqrs., be the first trustees for the county of Suffolk; and that Charles Chambers, Jonathan Dowse, Jonathan Remington, Edmund Goffe and Jonas Bond, Esqrs., be the first trustees for the county of Middlesex; and that Benjamin Lynde and John Turner, Esqrs., Mr. Daniel Rogers, Col. Henry Somersby and Capt. Walter Price, be the first trustees for the county of Essex; and

Trustees' names for the counties of Suffolk.

Middlesex.

Essex.



Plymouth. that Nathanael Thomas, Esq., of Plymouth, Maj. Isaac Lothrop, Mr. John Watson, Capt. Isaac Little and Capt. Joshua Cushing, be the first trustees for the county of Plymouth; and that Col. Nathanael Pain, Bristol. Capt. Samuel Gallop, Capt. William Southworth, Mr. Nathanael Blagrove and John Rogers, Esq., be the first trustees for the county of Hampshire. Bristol; and that Col. John Pinchon, Mr. Henry Dwight, Mr. Luke Hitchcock, John Ashley, Esq., and Mr. John Partridge, be the first trustees for the county of Barnstable; and that Col. William Basset, Col. John Otis, Capt. Joseph Lothrop, Peter Thacher, Esq., and Mr. Ebenezer Lewis, be the first trustees for the county of Barnstable; and that Abraham Preble, Esq., Capt. Samuel Plaisted, Capt. John Leighton, Mr. York. Samuel Cane and Capt. Lewis Bane, be the first trustees for the county of York, for the putting of this act in execution accordingly.

*And be it further enacted,*

General sessions of the peace to supply commissioners, in case, &c.

[SECT. 10] That in case of the refusal, removal by death, or otherwise, of any of the said commissioners, the court of general sessions of the peace in the respective counties are hereby directed and impowred to nominate and appoint a commissioner or commissioners to supply such vacancy, who shall be sworn to the faithful discharge of their trust, as in this act is directed. [*Passed December 4.*]



## ACT

PASSED AT THE SESSION BEGUN AND HELD AT BOSTON,  
ON THE TENTH DAY OF APRIL, A.D. 1717.

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## CHAPTER 19.

AN ACT FOR THE BRINGING FORWARD ALL WRITTS, PLEAS AND OTHER PROCESS WHICH WERE TO HAVE BEEN HEARD AND TRYED AT THE GENERAL SESSIONS OF THE PEACE AND INFERIOUR COURT OF COMMON PLEAS, RESPECTIVELY, AT THEIR SESSIONS ON THE FIRST TUESDAY OF MARCH, 1716, UNTO THE COURT OF GENERAL SESSIONS OF THE PEACE AND INFERIOUR COURT OF COMMON PLEAS, HOLDEN AT PLYMOUTH ON THE THIRD TUESDAY OF JUNE, 1717.

WHEREAS, by reason of the late great and extraordinary snow and difficulty of travel, the court of general sessions of the peace, which was to be held and kept at Plymouth, for the county of Plymouth, on the first Tuesday of March last, was discontinued, and the inferiour court of common pleas for the same county, to be held at the place and time aforesaid, was continued, by an adjournment, unto Tuesday, the twenty-third day of April, instant, which is the same day unto which the superiour court of judicature, court of assize and general goal delivery, to be holden at Plymouth for the countys of Plymouth, Barnstable, and Dukes county, stands adjourned, so that the said inferiour court cannot then conveniently be held and kept,—

*Be it therefore enacted by His Excellency the Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

That all and all manner of pleas, writs, actions, suits, plaints, process, precepts, recognizances, inditements, presentments and other things whatsoever, returnable or that had day or days in the said court of general sessions of the peace or court of common pleas, which was by law to have been held and kept at Plymouth, for the said county of Plymouth, on the first Tuesday of March last, may and shall be pleaded, heard, tried, and proceeded upon at the next general sessions of the peace and inferiour court of common pleas, respectively, which is to be holden for and within the county of Plymouth aforesaid, at Plymouth, on the third Tuesday of June next; and all partys that had day by any pleas, writs, bills, actions, suits, plaints, process, precepts, recognizances or other thing or things whatsoever, at or in the said court of the general sessions of the peace or inferiour court of common pleas, respectively, which was to have been held at Plymouth on the first Tuesday of March, as aforesaid, shall appear at such next court to be holden for and in the said county of Plymouth, under the penalty of forfeiting any bonds, obligations or recognizances for the appearance of said partys, or any other penalty that might have incurred on the said partys for not appearing at either of the said courts of general sessions of the peace or common pleas, respectively, if the same had been holden and kept at the time by law appointed, on the first Tuesday of March aforesaid (excepting only the petty jurors chosen to serve at the said March

court, who are hereby dismiss'd); any law, usage or custom to the contrary notwithstanding. [*Passed April 12; published April 13.*]

NOTES.—There were four sessions of the General Court this year; but no acts were passed at the second session. The engrossments of chapters 1, 2, 4, 6, 8, 9, 10, 12 and 18, were lost. All the acts of this year were printed in the sessions pamphlet except chapters 11, 12 and 19. Chapter 12 is here printed from a copy in the Public Record Office, London.

The following is the title of a private act passed at the first session:—

“An Act for the change or alteration of the Surname of Spencer Bennet, alias Phips, of Cambridge, Esq.”—[*Passed June 23.*]

Besides the action taken by the Board of Trade, &c., as shown in the following notes to particular chapters, all the acts of the first session, including the private act above named, appear to have been considered by the Board May 23, 1718, “Mr. West being present.” “No objections arising” upon nine of these acts, the Board “agreed to let them lie by, probationary.” Mr. West “was desired to consider” chapter 3, and an order was passed to notify Mr. Dummer, the agent of the province, thereof. Chapters 4 and 11 were found to have expired; and an order passed “that the Gov<sup>r</sup> of the Massachusetts Bay be writ for the Reasons for passing” chapter 10.

On the 18th of June, 1718, the Board considered the remaining acts of this year “and no objection appeared to the Board against any of them.” On the 9th of July following Mr. West made his report on chapter 3 as given in the note to that chapter, *post*.

On the 15th of October, 1724, chapters 2, 5, 6, 7, 8, 10, 13, 14, 15, 16, 17 were included in the list of acts submitted to Mr. West as described in the NOTES to 1715–16, *ante*. These were returned by Mr. West May 19, 1725, with the report that to all of them he had “no objection to their being pass’d into Law,” and with the same endorsement; *i. e.*, that they had not been presented for confirmation and therefore might be repealed.

Chap. 1. “June 12th 1716. The following Vote pass’d in the House of Representatives Read & Concur’d; Viz,

Voted that the Rates of Excise on Strong Drink for the Year coming be as follows: Viz, Upon Rum & other distill’d Spirits, Eight Pence per Gallon, On all Sorts of Wine Six Pence per Gallon, On Cyder & Perry two Shillings per Barrel, and that all Taverners, Retailers &c. shall give Account upon Oath of their Draught & that they shall not be compounded with. That An Act be drawn accordingly:— Consented to. W<sup>m</sup> TAILER.”

—*Council Records*, vol. X., p. 74.

Chap. 3. “June 10th 1719. A Petition of Adam Cogswell of Ipswich in the County of Essex, Yeoman, Shewing that he was sued by the Hon<sup>ble</sup> John Appleton Esq<sup>r</sup> Judge of the Probate of Wills for the said County by Review in a Plea of Debt originally commenced against the Petitioner & recovered Judgement, for a Reversion of the former Judgement. Eighty seven Pounds in Current lawful Money of this Province & Costs of Court; that pursuant to the said Judgement, Execution was issued out, That the Sheriff of the said County of the Goods Chattels or Lands of the said Adam Cogswell within the Precinct he Cause to be satisfied to the said John Appleton the Value thereof in Money the Sum of Ninety Pounds nineteen Shillings & four Pence, and for Want of Goods Chattels or Lands of the said Adam Cogswell by him shown or found in the Precinct, to take the Body &c: Pursuant to which Execution, the Deputy Sheriff demanded the Money of the Petitioner, who immediately tender’d him Lands to the Value of Five Hundred Pounds, Notwithstanding which the said Deputy Sheriff forcibly seized on the Body of the Petitioner & him imprisoned, where he has lain from the second Day of September last to this Day, & so like to Continue unless this Hon<sup>ble</sup> Court will relieve Him, That the Petitioner did at the Superiour Court held at Salem on December 16, 1718, sue John Gains Deputy Sheriff; After Hearing the Cause, The Jury brought in their Verdict, in the following Words; Viz, ‘Adam Cogswell, Plaintiff, John Gains Defendant, The Jury find for the Defendant Costs of Court, If the Law of the Province Page 35, Referring to the Creditors Acceptance in Specie be in Force, But if that Law of the Province Page 273, do null and make void the Acceptance of the Creditor, Then the Jury find for the Plaintiff Twenty Pounds in Money & Costs of Suit.’ And therefore Praying that this Hon<sup>ble</sup> Court would in their great Wisdom & Justice declare their Opinion upon the before recited two Laws of this Province that so the same may be made certain, And whether the Petitioner can have any Relief by the said Law, Page 273.

In Council; Read & Voted that this Petition be dismiss’d As vexatious.”—*Council Records*, vol. X., p. 416.

“WHITEHALL, Friday July 11th 1718.

\* \* \* \* \*  
Mr West’s Report upon an Act of the Massachusetts Bay mention’d in the Minutes of the 23rd of May last, intituled An Act in further addition to an Act for making Lands & Tenements lyable to the payment of Debts &c was read, whereupon Ordered that a copy of Mr West’s Report be sent to Colonel Shute, Governor of that Province that a new Act may be pass’d not lyable to the objections against the present Act. \* \* \*.”—*Journals of the Lords of Trade*, in *Pub. Rec. Office*, vol. 21, p. 348.

“We send you here inclosed the opinion of Mr. West, one of his Majesty’s Council at Law upon the Act passed in 1716, in further addition to the Act for making Lands and Tenements lyable to the payment of debts, made in the 8th of King William, whereby you will see that this Act is not fit to be passed into a Law, & therefore you ought to move the Assembly to pass a new Act not lyable to the objections mentioned in Mr West’s Report.—“Observations” of the Lords of Trade, to Gov. Shute, June 4, 1719.

“TO THE RIGHT HON<sup>ble</sup> THE LORDS COMRS FOR TRADE AND PLANTATIONS.

My Lords, In obedience to your Lordships command I have perused an Act intituled An Act in further addition to an Act intituled an Act for making Lands & Tenements lyable to payment of debts.

I have likewise perused the Act to which it refers, which was made & passed in the 8<sup>th</sup> year of King William, the design of which Act I do think to have been perfectly just, And in case this Act now before me had pursued the intention of the said Act I should have had no objection to its being passed into a Law, But it is so unhappily worded that I cannot see that by any construction whatsoever it can effect the end proposed therein.

The end proposed by this act is to make the real Estates of Debtors liable to the payment of their personal Debts which by the former Act of King William was sufficiently provided for in case of the debtors dying indebted in a greater sum than his personal Estate was able to answer. This Act proposes to provide for the Creditors security during the life of the debtor by compelling him to a Mortgage of his Lands, to which end it is enacted that all Creditors recovering Judgment & the Debtor not satisfying the same to the acceptance or satisfaction of the Creditor shall have execution thereupon against the Lands of the Debtor and the Sheriff shall cause a parcel of the Debtors Lands to be sold to the Order of three Appraisers sufficient to satisfy the Creditors demands and shall thereof deliver possession & seisin to the Creditor which when recorded is enacted to be a good Title to such Creditor or Creditors.

My objection my Lords to this Act arises from the last words which in my opinion leaves the Creditor (tho' perhaps contrary to the intention of the makers of the Act) in a worse condition than they found him.

By the equity of redemption reserved it is manifest that the intention of the Law makers could be only to create a real security to the Creditor for his debt by way of mortgage which mortgage can be only for the life of the Mortgagee, They having forgot to insert after their enacting that the returning of the aforesaid execution should be a good Title to the Creditor, that it should also extend to his Heirs without which word it is certain no larger Estate than for life can be created, and which they therefore in the said Act of King William do very properly use.

I must also observe that the acceptance of such Mortgage under this Act is a discharge of the execution against the Debtor & his Land and that the Estate for the life of the Mortgagee being by this Act considered as a full satisfaction for any debt whatever it from thence follows that if any Creditor should chance to die but the next week after such acceptance of the Mortgage as aforesaid the Debt is wholly extinguished & the Heirs or Executors &c of such Creditor would be absolutely barred from the making use of any such remedy which by the common Law or by the beforementioned Statute of King William they would otherwise be intitled to.

I might mention other objections of less consequence, but I think what I have already taken notice of will be sufficient to justify my being of opinion that this Act is not proper to be passed into a Law, all which I humbly certify to your Lord<sup>ships</sup> & I am My Lords, Your Lord<sup>ships</sup> most obedient and most humble Servant.

9 July 1718.

RICH<sup>d</sup> WEST

—Public Record Office: "Board of Trade" 38, p. 168.

WHITEHALL. Tuesday June 9<sup>th</sup> 1719.

Their Lordships taking into consideration Mr West's Report of the 9<sup>th</sup> July 1718 upon an Act passed in the Massachusetts Bay in 1716, for making Lands & Tenements liable to payment of debts; Order'd that Mr West be desired to let their Lordships have those other objections of less consequence against passing the above mentioned Act, which in that Report (he says) might be mentioned. — *Journals of the Lords of Trade in Pub. Rec. Office, vol. 22, p. 263.*

"To RICHARD WEST, Esq<sup>r</sup>"

Sir, You had some time ago under your consideration an Act passed in the Massachusetts Bay in 1716, intituled, *An Act in further addition to an Act entituled an act for making Lands & Tenements liable to the payment of debts made & passed in the 8<sup>th</sup> year of the reign of King William & made your report thereupon the 9<sup>th</sup> of July last wherein you give your opinion that the Act is not proper to be confirmed & add that you had other objections of less consequence. The Lords Commiss<sup>rs</sup> of Trade & Plantations have commanded me to return you the said Act which you will find in the enclosed parcell fol. 273 & thereupon to desire you would let them know what are those other objections you mentioned & that you would please to let their Lord<sup>ships</sup> have them as soon as may be I am, Sir, Your most humble Serv<sup>t</sup>*

WHITEHALL June 10<sup>th</sup> 1719.

WM POPPLE

—*Ibid.*, p. 287.

No report in response to the above communication has been found.

Chap. 6. Secretary Popple to the Secretary of the Commissioners of Customs:—  
"To CHARLES CARKESS, Esq<sup>r</sup>"

Sir,—I am commanded by the Lords Comm<sup>rs</sup> for Trade & Plantations to send you the enclosed extract of a letter from Mr Archibald Cummings, Surveyor & Searcher of the Customs at Boston in New England dated 2<sup>nd</sup> August last. And upon the former part thereof to desire you will inform their Lordships whether there be any Law which prohibits the goods of Dutch, French, Danish or other Foreign Plantations being imported into any of the British Plantations. As to what he writes relating to the fees of a Searcher &c at Boston you will herewith receive a copy of a Memorial from Coll. Heathcote, Surveyor Gen<sup>l</sup> of His Majesty's Customs in North America to the Lieut. Gov. Council & Assembly of the Massachusetts Bay, and the Copy of an Act lately passed there for stating the Fees of the Custom House Officers within that Province; Whereupon I am to desire you will move the Hon<sup>ble</sup> the Comm<sup>rs</sup> of his Majesty's Customs that my Lords Comm<sup>rs</sup> for Trade may have their opinion with all convenient speed, as to the reasonableness of the said Act, & Mr Cummings' Proposal relating to his own Fees, as likewise how far the Proposal that the Fees of all the Custom House Officers in his Majesty's several Plantations in America be regulated here, is practicable, or may be of publick advantage.

I am, Sir, Your most humble Serv<sup>t</sup>

WM POPPLE.

Whitehall November 15<sup>th</sup> 1716.

—Pub. Rec. Office: "New Eng., Board of Trade," vol. 38, p. 14.

The following is the extract, above referred to, from the letter of Mr. Cumings to the Lords of Trade:—

\* \* \* \* \*

"When I was appointed as Surveyor and Searcher here, Col Heathcote as Surveyor Gen<sup>l</sup> gave in a Memorial to the Assembly for a regulation of Fees for my Office, and the Copy of the Fees established at New York for said Officer, they being upon establishing Fees for the Collector & Comptroller at the same time they were not so mannerly as to give him any answer thereto, so that Act being sent home to your Lordships to get it approved, I hope your Lordships will be pleased to consider the Memorial & Table of Fees established at New York in 1710, a copy whereof I herewith transmit to your Lordships signed by the Clerk of the Assembly that the Surveyor's Fees may be established before said Act passes, but it would be an advantage to Trade to have a general Table of Fees appointed at home for all the Continent & Islands, there being now a great disproportion in the same; all which is humbly submitted to your Lordships' consideration by him who is, with most dutiful regards

My Lords, Your Lordships' most faithful and obedient humble Serv<sup>t</sup>  
Boston, Aug<sup>t</sup> 2<sup>nd</sup> 1716.

ARCH<sup>d</sup> CUMINGS."

—*Ibid.*

Extract of letter from Secretary Carkesse to Secretary Popple:—

"Sir: \* \* \* \* \* And as to settling the Fees of the Officers of the Customs the Commiss<sup>rs</sup> have no objection to the Act passed in the Assembly of the Massachusetts Bay for the Officers Fees therein named, but in regard there are Fees established for the Surveyor and Searcher at New York, the Commiss<sup>rs</sup> are of opinion it may be reasonable, if the Assembly shall think fit to establish like fees for the Surveyor and Searcher of Boston. And they are further of opinion if fees were settled for the officers of the Customs in his Majesty's several Plantations by the Respective Assemblies it would be of publick advantage: All which the Commiss<sup>rs</sup> desire you will lay before the Lords Commiss<sup>rs</sup> for Trade & Plantations.

Custom Ho: London

I am, Sir, Your most humble Serv<sup>t</sup>

20<sup>th</sup> Nov<sup>r</sup> 1716.

CHAR. CARKESSE."

—*Ibid.*, p. 17.

Upon further consideration of this act the Lords of Trade, on the 7th of May, 1719, ordered a copy to be again sent to Mr. Carkesse "to know if the Commiss<sup>rs</sup> of his Majesty's Customs have any objection thereto." Mr. Popple, accordingly, on the same day, wrote, enclosing a copy of the act, but no reply from the Commissioners of Customs has been found.—See *ibid.*, p. 271; and see note to chap 7, post.

Chap. 7. "June 23, 1716.—A message by Mr Elisha Cook from the Representatives to enquire of the Hon<sup>ble</sup> Board what they had done relating to the Bill brought in for regulating the fees of the Admiralty.

Proposed by the Hon<sup>ble</sup> the Lieutenant Governor, and Voted that it be referred to His Majesties Attorney General whether there be anything in our Charter that bars this Govern<sup>mt</sup> from stating or regulating the fees of the Admiralty Court here.

Report of the Attorney General upon the foregoing vote; viz. Having considered the Royal Charter for this Province with the powers therein granted to the Great and General Court or Assembly, as also the exception or reservation of the Admiralty Jurisdiction, my opinion is that the said exception or reservation extends only to the erecting or constituting any such Court, or exercising the jurisdiction power or authority thereof, and the appointing the officers of the said Court: And that therefore the regulation of the fees of that Court and the officers thereto belonging (save only in the case of prizes, which is already stated by Act of Parliament) is within the power and authority of the Great and General Court or Assembly of this Province, more especially if the fees of the said Court of Admiralty have been or are either uncertain or grievous: All which is humbly submitted by your Honours Humble Servant—

PAUL DUDLEY ATTOR. GEN<sup>l</sup>

Boston June 23, 1716.

In Council: Read and accepted."—*Council Records*, vol. X., p. 91.

The following is from the journals of the Board of Trade:—

"WHITEHALL, Thursday May 7<sup>th</sup>, 1719

\* \* \* \* \*

Upon further consideration of the Acts passed in the Massachusetts Bay in 1716, intituled an Act in addition to the Act for regulating Fees made in the 4th of King William and Queen Mary, stating the Fees of the Officers of the Court of Admiralty, And an act \* (chap. 6, 1716.) \* Order'd that a Copy of the first mentioned Act be sent to Mr Burchet to know if the Lords of the Admiralty have any objection to the Fees stated in the said Act" \* \* \*—*Trade-papers (Journals)* vol. 22, p. 236, in *Pub. Rec. Office*.

"To Jo. BURCHET Esq<sup>r</sup>:"

Sir, I am commanded by the Lords Commiss<sup>rs</sup> for Trade & Plantations to send you the enclosed Copy of an Act passed in the Massachusetts Bay in 1716 intituled an Act in addition to the Act for regulating Fees made & passed in the 4th year of King William & Queen Mary, stating the fees of the Officers of the Court of Admiralty & thereupon to desire you will please to let me know whether the Right Hon<sup>ble</sup> the Lords Commiss<sup>rs</sup> of the Admiralty have any Objection to the Fees stated in the said Act.

I do not send you the Act mentioned in the Title of this Act, because that Act takes no notice of any Fees for the Officers of the Court of Admiralty.

I am, Sir, Your most humble Serv<sup>t</sup>

W<sup>m</sup> POPPLE"

—*Pub. Rec. Office*: "New Eng., Board of Trade," vol. 38, p. 270.

"To WILLIAM POPPLE Esq<sup>r</sup>:"

Sir, Having communicated to my Lords Commiss<sup>rs</sup> of the Admiralty your letter of yesterday's date inclosing the copy of an Act passed in the Massachusetts Bay in 1716 & desiring to know whether their Lordships have any objection to the Fees stated therein for the Officers of the Court of Admiralty, I am commanded to acquaint you that their Lord-



ships have no objections to the Fees thus established by the Act which I desire you will please to communicate to the Lords Com<sup>rs</sup> for Trade & Plantations.

I am Sir, Your most humble Ser<sup>t</sup>

J. BURGETT

Admiralty Office 8<sup>th</sup> May 1719.

—*Ibid.*, p. 271.

Chap. 10.—“We have no objections to the Act, &c., \* \* but should be glad to know what reason there is for passing such an Act in the Massachusetts Bay.”—“*Observations*” of the Lords of Trade, to Gov. Shute, June 4, 1719.

Chap. 11. “November 29<sup>th</sup> 1716. The following Resolve pass’d in the House of Representatives Read & Concur’d; Viz,

Whereas it is Enacted in the Act entituled An Act for Granting to his Majesty several Rates & Duties of Impost & Tunnage of Shipping Viz, That if the Commissioner or Receiver shall suspect that any Merchant Factor or other Person to whom any Wines Liquors Goods or Merchandize comes consigned does not in the Entry or Writing thereof to be given under his Hand as aforesaid make a full & perfect Entry of such Wines, Liquors Goods & Merchandize, or that the Invoices thereof produced & shown by any Person or Persons as by this Act is directed are not really & Bona Fide the Original Invoices of the Wines Liquors, Goods & Merchandizes such Person or Persons shall then Enter, In every such Case, the Commissioner or Receiver is hereby Ordered and Directed not to admit such Person or Persons to any Entry of the said Wines Liquors Goods or Merchandizes until he or they shall have made Oath to the truth of said Writing or Invoice, by him or them presented as afores<sup>d</sup> Whereby the officer is laid under the Hardship of Suspecting & so Offending all such Persons as he shall administer an Oath to, As aforesaid;

Resolved that the said Commissioner be & hereby is Directed & Impowered to Administer such Oath to every Person or Persons whatsoever before he admit him or them to any Entry; Any Law, Usage or Custom to the Contrary notwithstanding.—

Consented to, SAM<sup>l</sup> SHUTE.”

—*Council Records*, vol. X., p. 130.

“There is an Act passed in 1716 entituled *An Act for granting to his Majesty several rates and duties of Impost & Tunnage of Shipping* \* \* \* tho’ these laws are expired we must observe to you that such Laws are not fit to be passed by you his Majesty’s Governor, for the first of them lays double the duties on British ships than it does on ships belonging to the Massachusetts Bay and the other lays a duty on goods from this Kingdom, which ought not to be allowed of, and therefore you ought to take care for the future not to pass any Law whereby the Trade or Shipping of this Kingdom shall be affected.”—“*Observations*” of Lords of Trade, to Governor Shute, June 4, 1719.

Chap. 18. “June 23, 1716. The following Order pass’d in the House of Representatives Read & Concur’d; Viz,—

Ordered that the Five Thousand Pounds of Bills of Credit directed to be made this Session be made, One Thousand Pounds thereof upon the new middle Plate, that contains the Three, Five, Ten & Twenty Shillings Bills And Four Thousand Pounds thereof on the Highest Plate, that contains Thirty, Forty, Sixty & One Hundred Shilling Bills.

And whereas the Hon<sup>ble</sup> Samuel Sewall Esq<sup>r</sup> has desired to be dismissed out of the Committee for Making the said Bills, That the Hon<sup>ble</sup> Adam Wentrop Esq<sup>r</sup> be of the said Comm<sup>tees</sup> in his Place.

Consented to, W<sup>m</sup> TAILER.”

—*Council Records*, vol. X., p. 90.

“December 4, 1716 The following Order pass’d in the House of Representatives; Viz, Ordered that Elisha Cook & Thomas Newton Esq<sup>rs</sup> be a Committee to prepare the Form of a Mortgage proper for the Letting out the Hundred Thousand Pounds of Bills upon, Pursuant to an Act pass’d by this Court this Session, & to obtain a Sufficient Number of them for the Occasion printed at the publick Charge & Sent to the several Counties.

Read & Concur’d in Council, And that Paul Dudley, Esq<sup>r</sup> his Majesties Attorney Gen<sup>l</sup> be of the Committee for the Affairs aforesaid; Sent down for Concurrence; And Non-Concur’d by the Representatives.”—*Ibid.*, p. 135.

“Dec. 4, 1716. The following Ord<sup>r</sup> passed in the House of Representatives Read & Concur’d; Viz,—

Ordered that the Committee that made the last Bills of Credit on this Province be Directed to Make One Hundred Thousand Pounds more of the said Bills with as much Expedition as may be And when & so often as they shall have perfected the Sum of Twenty five Thousand Pounds of the said Bills They shall deliver them to the Commissioners appointed in the several Counties to let out the same in Proportion as Directed by an Act pass’d this Session Taking the Receipt of each one of the respective Commissioners for the same: The Committee to be paid for Making the Bills as for the last they made.

Consented to, SAM<sup>l</sup> SHUTE.”

—*Ibid.*, p. 136.

“Dec. 4, 1716 The following Order pass’d in the House of Representatives Read and Concur’d; Viz,

Ordered that the Gentlemen under written be Commissioners Pursuant to the Act pass’d this Session, entituled An Act for the Making & Emitting the Sum of One Hundred Thousand Pounds.”—*Ibid.* Then follow the same list of names as in the act.

§ 1. “Nov. 20, 1717. In the House of Representatives Nov. 19. Upon a Question moved by the Commissioners appointed to let out the Proportion of the Bills of Credit belonging to the County of Middlesex Pursuant to the Act entituled An Act for the Making & Emitting the sum of One Hundred Thousand Pounds in Bills of Credit on this Province upon the Sense of these Words in the first Paragraph of the said Act ‘Who are to let out the said Bills to such of the Inhabitants of this Province who desire it,’ Viz., Question, Whether the Commissioners of each County are impowred thereby after three Months to let out any of the Bills that may remain in their Hands to Persons not having any Real Estate in the County where the Bills are to be let upon good and sufficient Security as the said Act Directs in any other County of this Province?

It Pass'd in the Affirmative with Direction to the respective Commissioners to be very circumspect and cautious that the Security which they take to be good & sufficient. Sent down for Concurrence. Read & Concur'd:— Consented to, SAM<sup>L</sup> SHUTE."  
—*Ibid.*, p. 221.

"My Lords, The great quantity of Paper Bills of Credit which are now circulating in the Province of Massachusetts Bay in New England are very detrimental to the Trading Merchants there, and also to the Merchants in Great Britain.

I therefore thought it my duty to acquaint your Lord<sup>ships</sup> That there is now one hundred thousand pounds in those Bills of Credit circulating in that Province, which according to the Act of Assembly made in 1716, were to circulate no longer than ten years which determines in May 1727—And having lately received information from thence, that if I should not receive his Maj<sup>ty's</sup> commands, and arrive soon enough to prevent it, It's feared that under some pretence or other the calling in of those Bills will be postpon'd.

It's therefore humbly submitted to your Lord<sup>ships</sup> whether a positive order should not be immediately sent to the Lieut. Gov<sup>r</sup> of that Province, so as those Bills may be called in according to the tenour of the said Act of Assembly. I am Your Lord<sup>ships</sup> most humble serv<sup>t</sup>  
St. James' Feb<sup>r</sup> 2<sup>d</sup> 1726-7. SAMUEL SHUTE."

—*Public Record Office*: "New Eng., Board of Trade," vol. 14, Y., 72.

"Reced and read same day, and their Lordships ordered that a letter should be prepared accordingly. 2 Feb<sup>r</sup> 1726-27."—"Trade-papers (Journals)" in *Pub. Rec. Office*, vol. 31, p. 22.

"To WILLIAM DUMMER Esq<sup>r</sup> Lieut Gov<sup>r</sup> of the Massachusetts Bay

Sir, There being an Act pass'd in the Province of the Massachusetts Bay in 1716 Entitled An Act for the making and remitting the sum of One hundred thousand pounds in Bills of Credit on this Province in such manner as in the said Act is hereafter expressed; And my Lords Commrs for Trade & Plantations not thinking it for the good of the Province or the Merchants trading there that these Bills of Credit should be any longer continued, I am commanded to acquaint you, that their Lordships expect that you will take the necessary care that the Bills of £100,000 now circulating in your Government by virtue of the aforesaid Act, may be all called in and destroy'd in May next, as that Act does then expire; and that for the future you do not pass any Act for creating a Paper-Currency, without his Majestys express leave for that purpose. I am, Sir, Your most humble Serv<sup>t</sup>  
A. POPPLE.

Whitehall, Feb<sup>r</sup> 8<sup>th</sup> 1726-7.—*Public Record Office*: "New Eng., Board of Trade," vol. 38, p. 482. "The above letter order'd to be prepar'd the 2<sup>nd</sup> inst. was agreed & order'd to be sent. 8 Feb<sup>r</sup> 1726-7."—"Trade-papers (Journals)" in *Public Record Office*, vol. 31, p. 34.

(a) "June 23, 1716. The following Resolve pass'd in the House of Representatives Read & Concur'd; Viz.,—

RESOLVED that the Sum of Five Thousand Pounds of Bills of Publick Credit on this Province be further & forthwith made by the Committee last appointed by this Court to make such Bills, Who shall be paid for their Making them in the same Proportion as they were for the last they made, That the said Committee deliver the said Bills to the Treasurer taking his Receipt for the same,

And the Treas<sup>r</sup> is hereby Directed & Impowered to Issue forth & Emitt the said Sum of Five Thousand Pounds for the Payment of the publick Debts of the Province already contracted for the Defence & Support of the Govern<sup>mt</sup> & the necessary Protection & Preservation of the Inhabitants of this Province & for the Subsisting of Forts & Garrisons & Wages arising for their Service for payments of Grants, Salaries & Allowances made & to be made by this Court According to such Draughts as from Time to Time shall be made upon him by Warr<sup>t</sup> or Order of the Govern<sup>r</sup> or Commander in Chief for the Time being by & with the Advice & Consent of the Council; And the said Bills shall pass out of the Treasury at the Value therein express'd equivalent to Money and shall be taken & accepted in all publick Payments at the Advance & after the Rate of Five Pounds per Cent. more.

And as a Fund & Security for the same There be & hereby is Granted to his Most Excellent Majesty to the Ends & Uses aforesaid a Tax of Five Thousand Pounds to be levied on Polls & Estates both Real & Personal within this Province according to such Rules & in such Proportion upon the several Towns & Districts within the same as shall be Agreed on & Ordered by the Great & General Court or Assembly of this Province at their Session in May Anno (1719) One Thousand seven Hundred & nineteen & paid into the Treasury on or before the last Day of December next after. Consented to,

—*Ibid.*, pp. 90, 91.

WM TAILER."

(b) "Dec. 3, 1716. The following Resolve pass'd in the House of Represent<sup>ves</sup> Read & Concur'd; Viz.,—

RESOLVED that the Treasurer be & hereby is Directed & Impowered to Issue forth and Emit of the Bills of publick Credit received into the Treasury the Sum of Six Thousand Pounds for Payment of the publick Debts of the Province already contracted for the Defence & Support of the Government & the necessary Protection & Preservation of the Inhabitants of this Province & for the Subsisting of Forts or Garrisons & Wages arising for their Service for Payment of Grants, Salaries & Allowances made or to be made by this Court according to such Draughts as from Time to Time shall be made upon him by Warrant or Order of the Governour or Commander-in-Chief for the Time being by & with the Advice & Consent of the Council And the said Bills shall pass out of the publick Treasury at the Value therein express'd equivalent to Money & shall be taken & accepted in all publick Payments at the Advance & after the Rate of Five Pounds per Cent. more.

And as a Fund & Security for the same, There be & hereby is Granted to his most Excellent Majesty to the Ends & Uses aforesaid a Tax of Six Thousand Pounds to be levied on Polls & Estates both Real & Personal within this Province according to such Rates & in such Proportion upon the several Towns & Districts within the same as shall be agreed on & Ordered by the Great and Gen<sup>l</sup> Court or Assembly of this Province at their Session in May 1719 & paid into the Treasury on or before the last Day of December next after.

—*Ibid.*, p. 134.

Consented to:

SAM<sup>L</sup> SHUTE."



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ACTS,  
PASSED 1717-18.

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# ACTS

PASSED AT THE SESSION BEGUN AND HELD AT BOSTON,  
ON THE TWENTY-NINTH DAY OF MAY, A.D. 1717.

## CHAPTER 1.

AN ACT IN ADDITION TO AND EXPLANATION OF TWO ACTS REFERRING  
TO THE REGULATING OF FEES, &c.

WHEREAS in the first act for regulating of fees, made in the fourth year of King William and Queen Mary, there is an article of two shillings and sixpence in the secretary's fees, for every order of council to the benefit of particular persons, under pretence whereof demand has been made in the said office for the said sum even for orders for the payment of the publick and just debts of the government, —

*Be it enacted by His Excellency the Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

[SECT. 1.] That for the future no fee whatsoever shall be due or demanded for any order of the governour and council for the paym[en]t of any publick debt, of and from the government.

*And be it further enacted by the authority aforesaid,*

[SECT. 2.] That the fee for any petition to the governour and council, referring to any debt of the province, as aforesaid, be two shillings and sixpence, and no more.

And whereas in the late act, made in the first year of his present majesty's reign, intituled "An Act in addition to the act for regulating of Fees," under pretence of the word copying, all and every matter and thing whatsoever, in the said act, demand has been made of money or fees, even for rough draughts and preparatory cop[ie][y]s, for the use of the publick, when the said act was designed only for such cop[ie][y]s had and taken for private use. —

*Be it therefore further enacted by the authority aforesaid,*

[SECT. 3.] That no fee whatsoever shall be due or demanded in the said office for any other cop[ie][y]s or copying, than such as are taken from fair entr[ie][y]s, registers or records, and those only for a private use, and not for the service of the government; any law, usage or custom to the contrary notwithstanding. [Passed June 27.]

## CHAPTER 2.

AN ACT FOR REVIVING AND FURTHER CONTINUING OF AN ACT ENTITLED "AN ACT FOR EXPLANATION OF, AND SUPPLEM[EN]T TO, THE ACT REFERRING TO THE POOR," &c., MADE IN THE NINTH YEAR OF THE REIGN OF QUEEN ANN[E].

*Be it enacted by the Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

That the s[ai]d act, and all and singular the paragraphs, clauses, articles, directions and powers therein contained, be, and hereby are,

revived, re-enacted and directed to abide and remain in force, and accordingly to be exercised, practised and put in execution, until the thirt[i][y]eth day of June, *anno Dom[ini]* one thousand seven hundred and twenty, and no longer; any law, usage or custom to the contrary notwithstanding. [*Passed June 19.*]

### CHAPTER 3.

#### AN ACT TO ENABLE THE COMMISSIONERS FOR BANKRUPTS' ESTATES TO FINISH THE BUSINESS OF THEIR COMMISSIONS.

1713-14, chap.  
14.

WHEREAS during the time that the late act referring to bankrupts was in force, several commissions were regularly issued, and commissioners legally appointed pursuant to the s[ai]d act, but the proceedings of such commissioners not perfected before the said act was expired; whereupon inconveniences and lawsuits may arise, unless remedyed,—

*Be it enacted by His Excellency the Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

That all such commissions as were regularly taken out on any bankrupt estate, and the business thereof not finished, shall be yet look'[d][t] upon and held good and valid; and the commissioners therein appointed may, and hereby are impowred and directed to go on, proceed in and finish such their commissions, according to the directions of the said act altho' the same is expired; any law, usage or custom to the contrary notwithstanding. [*Passed June 22.*]

### CHAPTER 4.

#### AN ACT IN ADDITION TO AN ACT ENTITLED "AN ACT RELATING TO THE DUTY AND OFFICE OF A CORONER," MADE IN THE TWELFTH YEAR OF THE REIGN OF KING WILLIAM THE THIRD.

1700-1, chap. 3,  
§ 10.

WHEREAS in and by the said act, the coroners of the several count[ie][y]s of this province are impowred to serve and execute all writs and processes directed unto them against the sheriffs of the same county, but no provision is therein made to serve any writ or process wherein a sheriff of the same county is or may be plaintiff, and so a failure of justice may happen, if not remedyed,—

*Be it therefore enacted by His Excellency the Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

Coroners em-  
powered to  
serve writs, in  
case, &c.

That when and so often as the sheriff or sheriffs of any of the count[ie][y]s within this province, their undersheriffs or deput[ie][y]s, or any of them, are or may be concerned as plant[iff], complainant or defendant in any writ, action or process, that in such case the coroner of the same county shall be, and hereby is, impow[er]ed to serve and execute the same; any law, usage or custom[e] to the contrary notwithstanding. [*Passed June 17.*]

## CHAPTER 5.

AN ACT FOR REVIVING AND FURTHER CONTINUING OF AN ACT ENTITLED "AN ACT DIRECTING HOW RATES AND TAXES TO BE GRANTED BY THE GENERAL ASSEMBLY SHALL BE ASSESSED AND COLLECTED," MADE AND PASSED BY THE GREAT AND GENERAL COURT OR ASSEMBLY AT THEIR SESSIONS UPON THE THIRTY-FIRST DAY OF MAY, ONE THOUSAND SIX HUNDRED AND NINETY-NINE, IN THE TWELFTH YEAR OF THE REIGN OF THE LATE KING WILLIAM.

*Be it enacted by the Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

That the said act, and all and singular the paragraphs, clauses, articles, directions and powers therein contained, be, and hereby are, revived, re-enacted and directed to abide and remain in force, and accordingly to be exercised, practised and put in execution, until the thirt[i][y]eth day of June, *anno Domini*, one thousand seven hundred twenty and two, and no longer; any law usage or custom to the contrary notwithstanding. [*Passed June 17.*]

1699.1700, chap 26.

See 1716-17, chap. 4.

## CHAPTER 6.

AN ACT FOR GRANTING UNTO HIS MAJESTY SEVERAL RATES AND DUTYS OF IMPOST AND TUNNAGE OF SHIPPING.

WE, his majesty's loyal and dutifull subjects, the representatives of this his majesty's province of the Massachusetts Bay in New England, considering the necessity of granting a supply of monys for calling in the sum of twenty-two thousand pounds granted unto her late majesty by bills emitted at their several sessions, *annis* 1711\* and 1712.† to be leyved and collected in this present year, of which the dutys of impost and excise and tunnage of shipping were to be a fund and security, have cheerfully and unanimously given and granted, and do hereby give and grant unto his most excellent majesty, to the end, use and intent afores<sup>d</sup>, and for no other use, the several dutys of impost upon wines, liquors, goods, wares and merchandizes that shall be imported into this province, and tunnage of shipping, hereafter mentioned and expressed, for calling in the sum of four thousand pounds, part of twenty-two thousand pounds abovementioned; and pray that it may be enacted.—

*And be it accordingly enacted by His Excellency the Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

[SECT. 1.] That after the publication of this act there shall be paid by the importer of all wines, liquors, goods, wares and merchandizes that shall be imported into this province from the place of their growth (salt, cotton-wool, provisions and every other thing of the growth and produce of New England excepted), the several rates and dutys of impost following:—

For every pipe of common wine of the Western Islands, fifteen shillings.

For every pipe of Canary, twenty-five shillings.

For every pipe of Madera or Pissado, twenty shillings.

For every pipe of other sorts not mentioned, fifteen shillings.

\* NOTES to 1711-12, resolves (a), (b), (c). † NOTES to 1712-13, resolves (a), (b), (c).

For every hogshead of rum, containing one hundred gallons, the sum of fifteen shillings.

For every gallon of rum or other spirits distilled, the sum of one penny p gallon.

For every hundred pounds sterling in English merchandize, prime cost, twenty shillings.

For every hogshead of sugar, two shillings.

For every hogshead of molasses, one shilling.

For every hogshead of tobacco, two shillings and sixpence.

For every tun of logwood, three shillings.

And so proportionable for greater or lesser quantities, for all other commodities, goods or merchandize not mentioned or excepted, one penny for every twenty shilling value.

[SECT. 2.] And for any of the above wines, liquors, goods, wares, merchandize, &c., that shall be imported into this province from any other ports than the places of their growth and produce, there shall be paid by the importer double the value of impost appointed by this act to be received for every species as above mentioned, unless they do, *bona fide*, belong to the inhabitants of this province, and came upon their risque from the port of their growth.

*And be it further enacted by the authority aforesaid,*

[SECT. 3.] That all the aforesd. imposts, rates and dutys shall be paid in current money, or in the bills of credit of this province, by the importer of any wines, liquors, goods or merchandize, unto the commissioner and receiver to be appointed, as is hereinafter directed, for entering and receiving of the same, at or before the landing of any wines, liquors, goods or merchandize. And all entries where the impost or duty to be paid doth not exceed four shillings, shall be made without charge to the importer; and not more than sixpence to be paid for any other single entry to what value soever.

*And be it further enacted by the authority aforesaid,*

[SECT. 4.] That all masters of ships or other vessels coming into any harbour or port within this province from beyond sea, or from any other province or colony, before bulk be broken and within twenty-four hours after his arrival in such harbour or port, shall make a report to the commissioner or receiver of the impost, to be appointed as hereafter mentioned, of the contents of the lading of such ship or vessel, without any charge or fee to be demanded or paid for the same; which report such master shall give in to the said commissioner or receiver, under his hand, and shall therein set down and express the quantities and species of the wines, liquors, goods and merchandizes laden on such ship or vessel, with the marks and numbers thereof, and to whom the same is consigned, and also make oath that the said report or manifest of the contents of his lading, so to be by him given in under his hand as aforesd., contains a just and true account, to the best of his knowledge, of the whole lading taken on board and imported in sd. vessel from the port or ports such vessel came from, and that he hath not broken bulk nor delivered any of the wines, rum or other distilled liquors, wares or merchandizes loaden on sd. ship or vessel, directly or indirectly, and that if he shall know of any more wines, liquors, goods or merchandizes to be imported therein before the landing thereof, he will cause it to be added to his manifest, which oath the commissioner or receiver is hereby impowred to administer; after which such master may unload, and not before, on pain of one hundred pounds, to be forfeited and paid by each master that shall neglect his duty in this behalf.

*And be it further enacted by the authority aforesd.,*

[SECT. 5.] That all merchants, factors or other persons, importers, being owners of, or having any of the wines, liquors, goods or merchan-



dizes consigned to them, that by this act are lyable to pay impost or duty, shall, by themselves or order, make entry thereof in writing under their hands, with the sd. coëmissioner or receiver, and produce unto him the original invoice of all such goods as pay *ad valorem*, and make oath thereto in manner following:—

You, A. B., do swear that the entry of the goods and merchandize, by you now made, contains the true value, agreeable to the original invoices herewith exhibited, and that, according to your best skill and judgment, is not less than the real cost thereof. So help you God.

—and pay the duty and impost by this act required, before such wines, liquors, goods, wares or merchandize be landed or taken out of the vessel in which the same shall be imported, on pain of forfeiting all such wines, liquors, goods, wares, or merchandizes so landed or taken out of the vessel in which the same shall be imported.

[SECT. 6.] And no wines, liquors, goods, wares or merchandizes that by this act are lyable to pay impost or duty, shall be landed on any wharff or into any warehouse or other place, but in the day-time only, and that after sunrise and before sunset, unless in the presence of and with the consent of the commissioner or receiver, on pain of forfeiting all such wines, liquors, goods, wares and merchandizes, and the lighter, boat or vessel out of which the same shall be landed or put into any warehouse or other place. Which abovesaid oath the commissioner or receiver is hereby impowred to administer.

[SECT. 7.] And if any person or persons shall not have and produce an invoice of the quantitys of the rum or liquors to him or them consigned, then the cask wherein the same is, shall be gaged at the charge of the importer, that the quantity thereof may be known.

*And be it further enacted by the authority aforesaid,*

[SECT. 8.] That every merchant or other person, importing any wines into this province, shall be allowed twelve p cent  $\text{p}^2$  leakage: *provided*, such wines have not been filled up on board: and that every hoghead, butt or pipe of wine that hath two third parts thereof leaked out, shall be accounted for outts, and the merch<sup>r</sup> or importer to pay no impost or duty for the same. And no master of any ship or vessel shall suffer any wines to be filled up on board without giving a certificate of the quantity so filled up, under his hand, before the landing thereof, to the coëmissioner or receiver of the impost in such port, on pain of forfeiting the sum of fifty pounds.

[SECT. 9.] And if it be made appear that any wines imported in any ship or vessel be decayed at the time of unlading thereof, or in twenty days afterward, oath being made before the commissioner or receiver that the same hath not been landed above that time, the duties and impost paid for such wine shall be repaid unto the importer thereof.

*And be it further enacted by the authority aforesaid,*

[SECT. 10.] That the master of any ship or vessel importing any wines, liquors, goods, wares or merchandizes, shall be lyable to and shall pay the impost for such and so much thereof, contained in his manifest, as shall not be duly entred, and the duty paid for the same, by the person or persons to whom such wines, liquors, goods, wares or merchandizes are or shall be consigned: and it shall and may be lawful to and for the master of every ship or other vessel to secure and detain in his hands, at the owner's risque, all such wines, liquors, goods, wares or merchandizes imported in such ship or vessel, until he shall receive a certificate from the commissioner or receiver of the impost that the duty for the same is paid, and until he be repaid his necessary charges in securing the same; or, such master may deliver such wines, liquors, goods, wares or merchandizes as are not entred, unto the commissioner

or receiver of the impost in such port, or his order, who is hereby impowred and directed to receive and keep the same, at the owner's risque until the impost thereof and charges be paid, and then to deliver such wines, liquors, goods wares or merchandizes as such masters shall direct.

*And be it further enacted by the authority aforesaid,*

[SECT. 11.] That the cõmissioner or receiver of the impost in each port shall be and hereby is impowred to sue the master of any ship or vessel for the impost or duty, for so much of the lading of wines, liquors, goods, wares and merchandizes imported therein, according to the manifest by him to be given upon oath as aforesd., as shall remain not entred, and the duty or impost thereof not paid. And where the goods, wares or merchandizes are such as that the value thereof is not known, whereby the impost to be recovered of the master for the same cannot be ascertained, the owner, or person to whom such goods, wares or merchandizes are or shall be consigned, shall be summoned to appear as an evidence at the court where suit for the duty and impost thereof shall be brought, and be there required to make oath to the value of such goods, wares or merchandizes.

*And be it further enacted by the authority aforesaid,*

[SECT. 12.] That the ship or vessel, with her tackle, apparel and furniture, the master of which shall make default in anything by this act required to be performed by him, shall be lyable to answer and make good the sum or sums forfeited by such master according to this act, for any such default, as also to make good the impost or duty for any wines, liquors, goods, wares or merchandizes not entred as aforesd.; and upon judgm<sup>t</sup> recovered against such master, the sd. ship or vessel, or so much of the tackle or appurtenances thereof as shall be sufficient to satisfy said judgm<sup>t</sup> may be taken in execution for the same. And the cõmissioner or receiver of the impost is hereby impowred to make seizure of such ship or vessel, and detain the same under seizure until judgment be given in any suit to be commenced and prosecuted for any of the said forfeitures or impost, to the intent that if judgment be rendred for the prosecutor or informer, such ship or vessel's appurtenances may be exposed for satisfaction thereof as is before provided, unless the owners, or some on their behalf, for the releasing of such ship or vessel from under seizure or restraint, shall give sufficient security to the commissioner or receiver of the impost that seized the same, to respond and satisfy the sum or value of the forfeitures and dutys, with charges, that shall be recovered against the master thereof upon suit to be brought for the same as aforesd. And the master occasioning such loss and damage to his owners, thro' his default or neglect, shall be lyable unto their action for the same.

*And be it further enacted,*

[SECT. 13.] That the naval officer within any of the ports of this province shall not clear or give passes to any master of any ship or other vessel outward bound, until he shall be certified, by the commissioner and receiver of the impost, that the dutys and impost for the goods last imported in such ship or vessel are paid or secured to be paid. And the commissioner or receiver of the impost is hereby impowred to allow bills of store, to the master of any ship or vessel importing any wines or liquors, for such private adventures as shall belong to the master and seamen of such ship or other vessel, at the discretion of the commissioner or receiver, not exceeding three p cent of the lading and dutys, payable by this act for such wines or liquors, in such bills of store mentioned and expressed, shall be abated.

*And be it further enacted by the authority aforesaid,*

[SECT. 14.] That all penaltys and forfeitures accruing or arising by virtue of this act shall be one-half to his majesty, for the uses and

intents for which the aforementioned duties of impost are granted, and the other half to him or them that shall seize, inform and sue for the same, by action, bill, plaint or information, in any of his majesty's courts of record, wherein no essoign, protection or wager of law shall be allowed; the whole charge of prosecution to be taken out of the half belonging to the informer.

*And be it further enacted by the authority aforesaid,*

[SECT. 15.] That there shall be paid by the master of every ship or other vessel coming into any port or ports in this province to trade or traffick, whereof all the owners are not belonging to this province, except such vessels as belong to the provinces or colonys of Pennsylvania, West and East Jersey, New York, Connecticut or Rhode Island, every voyage such ship or vessel do's make, the sum of eighteen-pence *p* tun, or one pound of good new gunpowder, for every tun such ship or vessel is in burthen (saving for that part which is owned in this province or any of the aforesd. governments which is hereby exempted), to be paid unto the commissi<sup>n</sup> or receiver of the duties of impost and to be employed for the ends and uses aforesd.

[SECT. 16.] And the sd. commissi<sup>n</sup> is hereby impowred to appoint a meet and suitable person to repair unto and on board any ship or vessel, to take the exact measure or tunnage thereof, in case he shall suspect that the register of such ship or vessel doth not express and set forth the full burthen of the same, the charge thereof to be paid by the master or owner of such ship or vessel, before she be cleared, in case she appear to be of greater burthen; otherwise to be paid by the commissi<sup>n</sup> out of the moneys received by him for impost, and shall be allowed him accordingly by the treasurer in his accompts. And the naval officer shall not clear any vessel until he be also certified by the sd. commissi<sup>n</sup> that the duty of tunnage for the same is paid, or that it is such a vessel for which none is payable according to this act.

*And be it further enacted by the authority aforesd.,*

[SECT. 17.] That there be one fit person, and no more, nominated and appointed by this court as a commissi<sup>n</sup> and receiver of the aforesd. duties of impost and tunnage of shipping, and for the inspection, care and management of the said office and whatsoever relates thereunto, to receive commissi<sup>n</sup> for the same from the governour or commander-in-chief for the time being, with authority to substitute and appoint a deputy receiver in each port, besides that wherein he resides, and to grant warrants to such deputy receivers for their sd. place, and to collect and receive the imposts and tunnage of shipping aforesd., that shall become due within such port, and to render accompts thereof and pay in the same to the said commissi<sup>n</sup> and receiver; which said commissi<sup>n</sup> and receiver shall keep fair books of all entrys and duties arising by virtue of this act, and the same to lye open, at all seasonable times, to the view and perusal of the treasurer and receiver-general of this province, with whom he shall accompt for all collections and payments, and pay in all such mon'ys as shall be in his hands, as the treasurer shall demand it. And the sd. commissi<sup>n</sup> and receiver and his deputy and deputys, before their entring upon the execution of the sd. office, shall be sworn to deal truly and faithfully therein: and shall attend in the office from nine to twelve of the clock in the forenoon, and from two to five of the clock, afternoon.

[SECT. 18.] And the sd. commissi<sup>n</sup> and receiver for his labour, care and expences in the sd. office shall have and receive, out of the province treasury, the sum of seventy pounds *p* annum, and his deputy or deputys to be paid, for their service, such sum and sums as the sd. commissi<sup>n</sup> and receiver with the treasurer shall agree, upon reasonable terms, not exceeding thirty pounds each; and the treasurer

is hereby ordered, in passing and receiving the sd. commissioner's acco<sup>t</sup> accordingly to allow the payment of such salary or salaries as aforesaid, to himself or his deputy or deputies.

*Provided,*

[SECT. 19.] This act shall continue in force from the publication thereof until the twenty-ninth day of June, which which will be in the year of our Lord one thousand seven hundred and eighteen, and no longer. [*Passed and published June 22.*]

## CHAPTER 7.

### AN ACT FOR APPORTIONING AND ASSESSING A TAX OF ELEVEN THOUSAND POUNDS, UPON POLLS AND ESTATES.

WHEREAS the great and general court or assembly of the province of the Massachusetts Bay in New England, at their sessions in the years 1711 and 1712, did pass three several grants of taxes, on polls and estates, as funds and security for the repayment and drawing in several sums in the bills of credit on this province ordered to be imprinted, repeated and issued out of the publick treasury for the service of the government; that is to say, at their sessions begun and held the twelfth day of March, 1711,\* six thousand pounds; at their sessions begun and held the twenty-eighth day of May, 1712,† nine thousand pounds; and at their sessions begun and held the twenty-second day of October, 1712,‡ seven thousand pounds; applied to the ends and uses in the said grants particularly enumerated and expressed; and, by the resolves of the courts that made the aforesaid grants, it was then ordered, that the said sum of twenty-two thousand pounds should be apportioned, assessed and leyed on polls, and estates both real and personal, within this province, according to such rules and in such proportion, upon the several towns and districts within the same, as shall be agreed on and ordered by this court in their present session; wherefore, for the ordering, directing and perfecting the said sum of eleven thousand pounds, which, with the sum of four thousand pounds by the impost and tunnage of shipping, four thousand pounds more on the excise, two thousand eight hundred pounds income of the publick bills lent, and two hundred pounds income by the lighthouse, will make up the sum of twenty-two thousand pounds, pursuant to the funds and grants aforesaid, which is unanimously approved, ratified and confirmed; and we, his majesty's loyal and dutiful subjects, the representatives in general court assembled, pray that it be enacted,—

*And be it accordingly enacted by His Excellency the Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

[SECT. 1.] That each town and district within this province be assessed and pay as such town and district's proportion of the aforesaid eleven thousand pounds, the sums following; that is to say,—

#### IN THE COUNTY OF SUFFOLK.

Boston, one thousand six hundred and seventy pounds	
eighteen shill's, . . . . .	£1,670 18s. 0d.
Roxbury, one hundred thirty-two pounds, . . . . .	132 0 0
Dorchester, one hundred eighty-three pounds nineteen	
shill's and sixpence, . . . . .	183 19 6
Hingham, one hundred thirty-four pounds nineteen	
shillings and sevenpence, . . . . .	134 19 7

• NOTES to 1711-12, resolve (c). † NOTES to 1712-13, resolve (a). ‡ *Ibid.*, resolve (b).

Brantrey, one hundred thirty-four pounds nineteen shillings and sevenpence,	£134 19s. 7d.
Dedham, one hundred and three pounds seventeen shill's and twopence,	103 17 2
Medfield, sixty-five pounds sixteen shillings and fourpence,	65 16 4
Medway, thirty-three pounds eight shillings and threepence,	33 8 3
Weymouth, eighty-three pounds eleven shillings and a penny,	83 11 1
Milton, sixty-two pounds sixteen shillings and ninepence,	62 16 9
Hull, thirty-three pounds nineteen shillings and threepence,	33 19 3
Wrentham, sixty pounds fifteen shillings and sixpence,	60 15 6
Mendon, seventy pounds eighteen shillings and a penny,	70 18 1
Woodstock, forty-eight pounds twelve shillings and sevenpence,	48 12 7
Brooklyn, forty-five pounds eleven shillings and twopence,	45 11 2
Needham, thirty-one pounds seven shillings and elevenpence,	31 7 11

## IN THE COUNTY OF ESSEX.

Salem, three hundred sixty-four pounds thirteen shillings,	364 13 0
Ipswich, four hundred and five pounds three shillings and fourpence,	405 3 4
Newberry, three hundred fourteen pounds seventeen shill's and sixpence,	314 17 6
Marblehead, two hundred seventy-nine pounds nineteen shillings	279 19 0
Lynn, one hundred forty-one pounds sixteen shill's and twopence,	141 16 2
Andover, one hundred fifty-eight pounds nineteen shill's and elevenpence,	158 19 11
Beverly, one hundred thirty-five pounds fourteen shill's threepence,	135 14 3
Rowly, one hundred and four pounds fourteen shill's and sevenpence,	104 14 7
Salisbury, one hundred and one pounds five shillings and tenpence,	101 5 10
Haverhill, one hundred thirty-five pounds twelve shill's, and fivepence,	135 12 5
Glocester, one hundred fifty-one pounds eighteen shill's and ninepence,	151 18 9
Topsfield, seventy-seven pounds,	77 0 0
Boxford, sixty-four pounds five shillings and twopence,	64 5 2
Amesbury, ninety-seven pounds five shillings and twopence,	97 5 2
Bradford, sixty-seven pounds eight shillings and fivepence,	67 8 5
Wenham, sixty-one pounds fifteen shill's and eightpence,	61 15 8
Manchester, twenty pounds five shillings and twopence,	20 5 2



## IN THE COUNTY OF MIDDLESEX.

Cambridge, one hundred and one pounds five shillings and tenpence, . . . . .	£101 5s. 10d.
Charlestown, two hundred forty-nine pounds seven shillings and sevenpence, . . . . .	249 7 7
Watertown, one hundred thirty-one pounds thirteen shill's and sevenpence, . . . . .	131 13 7
Westown, thirty-nine pounds nine shillings and threepence, . . . . .	39 9 3
Concord, one hundred fifty-five pounds two shillings, . . . . .	155 2 0
Wobourn, one hundred forty-six pounds six shill's and elevenpence, . . . . .	146 6 11
Reading, one hundred and one pounds four shillings, . . . . .	101 4 0
Sudbury, one hundred and twelve pounds nine shill's and sixpence, . . . . .	112 9 6
Marlborough, one hundred thirty-eight pounds four shill's and eightpence, . . . . .	138 4 8
Lexington, seventy-four pounds nine shillings and sevenpence, . . . . .	74 9 7
Newton, eighty-four pounds eleven shillings and threepence, . . . . .	84 11 3
Malden, seventy-seven pounds nine shillings and twopence, . . . . .	77 9 2
Chelmsford, eighty-eight pounds two shillings and ninepence, . . . . .	88 2 9
Billerica, ninety-two pounds nineteen shillings, . . . . .	92 19 0
Sherbourn, fifty-nine pounds fifteen shillings and fivepence, . . . . .	59 15 5
Groton, sixty-four pounds five shillings and twopence, . . . . .	64 5 2
Lancaster, sixty-four pounds five shillings and twopence, . . . . .	64 5 2
Framingham, seventy-two pounds eighteen shillings and fivepence . . . . .	72 18 5
Medford, forty pounds ten shillings and fourpence, . . . . .	40 10 4
Stow, forty pounds ten shillings and fourpence, . . . . .	40 10 4
Dunstable, twenty-two pounds fifteen shill's and sevenpence, . . . . .	22 15 7
Dracut, seventeen pounds thirteen shillings and tenpence, . . . . .	17 13 10

## IN THE COUNTY OF HAMPSHIRE.

Springfield, one hundred forty-six pounds six shillings, . . . . .	146 6 0
Northampton, one hundred and one pounds five shillings and tenpence, . . . . .	101 5 10
Hadley, seventy-two pounds seventeen shillings and sixpence, . . . . .	72 17 6
Hatfield, fifty-five pounds thirteen shillings and ninepence, . . . . .	55 13 9
Westfield, fifty-five pounds thirteen shillings and ninepence, . . . . .	55 13 9
Susfield, fifty-five pounds twelve shillings and tenpence, . . . . .	55 12 10
Enfield, forty-six pounds one shilling and threepence, . . . . .	46 1 3
Deerfield, twenty pounds five shillings and twopence, . . . . .	20 5 2

## IN THE COUNTY OF PLYMOUTH.

Plymouth, one hundred and six pounds sixteen shillings and ninepence, . . . . .	106 16 9
Plimpton, sixty-four pounds seven shillings, . . . . .	64 7 0



Situate, one hundred seventy-four pounds five shillings and twopence, . . . . .	£174	5s.	2d.
Bridgwater, one hundred and forty pounds sixteen shillings, . . . . .	140	16	0
Marshfield, ninety-three pounds ten shillings, . . . . .	93	10	0
Pembroke, forty pounds ten shillings and fourpence, . . . . .	40	10	4
Duxbury, fifty-one pounds fourteen shillings, . . . . .	51	14	0
Middleborough, sixty-four pounds sixteen shillings and twopence, . . . . .	64	16	2
Rochester, sixty pounds fifteen shillings and sixpence, . . . . .	60	15	6
Abbingdon, fifteen pounds five shillings and threepence, . . . . .	15	5	3

## IN THE COUNTY OF BARNSTABLE.

Barnstable, one hundred forty-eight pounds seventeen shill's and fourpence, . . . . .	148	17	4
Sandwich, one hundred and one pounds five shillings and tenpence, . . . . .	101	5	10
Eastham, one hundred and four pounds fourteen shill's and sevenpence, . . . . .	104	14	7
Turo, forty-eight pounds eleven shillings and eightpence, . . . . .	48	11	8
Yarmouth, ninety-two pounds thirteen shillings and sixpence, . . . . .	92	13	6
Harwich, fifty-seven pounds four shillings, . . . . .	57	4	0
Falmouth, twenty-seven pounds eighteen shillings and threepence, . . . . .	27	18	3
Chatham, twenty-nine pounds six shillings and eightpence, . . . . .	29	6	8

## IN THE COUNTY OF BRISTOL.

Bristol, ninety-two pounds three shillings and fivepence, . . . . .	92	3	5
Taunton, one hundred thirty-four pounds four shillings, . . . . .	134	4	0
Norton, with the east end of North Purchase, thirty-seven pounds nine shillings and tenpence, . . . . .	37	9	10
Dartmouth, one hundred fifty-two pounds eight shillings and tenpence, . . . . .	152	8	10
Dighton, forty-four pounds eleven shillings, . . . . .	44	11	0
Rehoboth, one hundred twenty-four pounds eleven shill's and sixpence, . . . . .	124	11	6
Little Compton, ninety-four pounds three shillings and ninepence, . . . . .	94	3	9
Swansey, one hundred and fifteen pounds ten shillings, . . . . .	115	10	0
Tivertown, sixty-nine pounds seventeen shillings, . . . . .	69	17	0
Freetown, thirty-seven pounds eight shillings and elevenpence, . . . . .	37	8	11
Attleborough, fifty pounds twelve shill's and elevenpence, . . . . .	50	12	11

## IN DUKES COUNTY.

Edgartown, forty-five pounds two shillings, . . . . .	45	2	0
Chilmark, forty-five pounds two shillings, . . . . .	45	2	0
Tisbury, eighteen pounds fourteen shillings, . . . . .	18	14	0

## IN THE COUNTY OF YORK.

York, sixty pounds fifteen shillings and sixpence, . . . . .	60	15	6
Kittery, seventy-five pounds eighteen shill's and elevenpence, . . . . .	75	18	11

Berwick, forty-four pounds thirteen shill's and nine-pence, . . . . .	£44 13s. 9d.
Wells, thirty-five pounds six shillings and ninepence, . . . . .	35 6 9
Nantucket, one hundred eighty-seven pounds seventeen shillings and fivepence, . . . . .	187 17 5

*And be it further enacted by the authority aforesaid,*

[SECT. 2.] That the treasurer do forthwith send out his warrants, directed to the selectmen or assessors of each town or district within this province, requiring them, respectively, to assess the sum hereby set upon such town and district, in manner following; that is to say, to assess all ratable male poles above the age of sixteen years, at five shillings the poll (except the governour and lieutenant-governour, and their familys, the president, fellows and students of Harvard Colledge, settled ministers and grammar-school masters, who are hereby exempted as well from being taxed for their polls, as for their estates being in their own hand and under their actual management and improvement), and other persons (if such there be) who through age, infirmity or extream poverty, in the judgment of the assessors, are not capable to pay towards publick charges, they may except their polls and so much of their estates as, in their prudence, they shall think fit and judge meet; and all estates, both real and personal, lying within the limits and bounds of such town or district, or next unto the same, not paying elsewhere, in whose hand, tenure, occupation or possession soever the same is or shall be found, and income by trade or faculty which any person or persons (except as before excepted) do or shall exercise in gaining, by moneys or other estate not particularly otherwise assessed, or commission of profit in their improvement, according to their understanding and cunning, at one penny on the pound; and to abate or multiply the same, if need be, so as to make up the sum hereby set and ordered for such town or district to pay; and, in making their assessments, to estimate houses and lands at six years' income of the yearly rents whereat they may be reasonably set or let for in the places where they lye (saving all contracts betwixt landlord and tenant, and, where no such contract is, the landlord to reimburse one-half of the tax set upon such houses and lands); and to estimate Indian, negro and molatto servants proportionably as other personal estate, according to their sound judgment and discretion; as also to estimate every ox of four years old and upwards, at forty shillings; every cow of three years old and upwards, at thirty shillings; every horse and mare of three years old and upwards, at forty shillings; every swine of one year old and upwards, at eight shillings; every sheep and goat of one year old and upwards, at four shillings; likewise requiring the assessors to make a fair list of the said assessment, setting forth, in distinct columns, against each particular person's names, how much he or she is assessed at for polls, and how much for houses and lands, and how much for personal estate and income by trade or faculty; and the list or lists so perfected and signed by them, or the major part of them, to commit to the collectors, constable or constables of such town or district, and to return a certificate of the name or names of such collector, constable or constables, together with the sum total to each of them respectively committed, unto himself some time before the last day of September next.

[SECT. 3.] And the treasurer for the time being, upon the receipt of such certificate, is hereby impowred and ordered to issue forth his warrant to the collectors, constable or constables of such towns or districts, requiring him or them, respectively, to collect the whole of each respective sum assessed on each particular person, before the last day of

March next, and of the inhabitants of the town of Boston, to collect their proportion sometime in the month of January aforegoing, and to pay in their collections, and issue the accounts of the whole, at or before the last day of May, which will be in the year of our Lord one thousand seven hundred and eighteen.

*And be it farther enacted by the authority aforesaid,*

[SECT. 4.] That the assessors of each town and district, respectively, in convenient time before their making the assessment, shall give seasonable warning to the inhabitants, in a town meeting, or by posting up notifications in some place or places in such town or district, or otherwise to notify the inhabitants, to give or bring into the said assessors true and perfect lists of their polls and ratable estate; and if any person or persons shall neglect or refuse so to do, or bring in a false list, it shall be lawful to and for the assessors to assess such person or persons, according to their known ability within such town, in their sound judgment and discretion, their due proportion to this tax, as near as they can, according to the rules herein given, under the penalty of twenty shillings for each person that shall be convicted by legal proof, in the judgment of the assessors, of bringing in a false bill: the said fine to be for the use of the poor of such town or district where the delinquent lives, to be levied by warrant from the assessors, directed to the collector or constable in manner as is directed for gathering of town assessments, and to be paid in to the town treasurer or selectmen for the use afores'd: *saving* to the party aggrieved at the judgment of the assessors in setting of such fine, liberty of appeal therefrom to the court of general sessions of the peace within the county, for relief, as in case of being overrated. And if the party be not convicted of any falseness in the list by him presented of polls, ratable estate, and income by any trade or faculty which he doth or shall exercise in gaining by mon'y or other estate not particularly otherwise assessed, such list shall be a rule for such person's proportion to the tax, which the assessors may not exceed. [*Passed June 22.*]

# ACTS

PASSED AT THE SESSION BEGUN AND HELD AT BOSTON,  
ON THE TWENTY-THIRD DAY OF OCTOBER, A.D. 1717.

## CHAPTER 8.

AN ACT FOR ALTERING THE TIME OF HOLDING A SUPERIOUR COURT OF JUDICATURE, COURT OF ASSIZE AND GENERAL GOAL DELIVERY, WITHIN AND FOR THE COUNTY OF HAMPSHIRE, AND FOR REVIVING ALL ACTIONS AND PROCESS LATELY DEPENDING THERE, AND DISCONTINUED BY REASON OF THE COURT'S NOT MEETING.

1715-16, chap.  
20.

WHEREAS the time by law appointed for holding the superiour court of judicature, court of assize and general goal delivery at Springfield, within and for the county of Hampshire, on the second Thursday in August, yearly, is frequently a time of great and excessive heat, which renders the travel[ing] of the justices and others concerned at the said court very inconvenient on many acco[un][mp]ts,—

*Be it therefore enacted by His Excellency the Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

Time and place  
for holding the  
superiour court  
in Hampshire.

[SECT. 1.] That the said superiour court of judicature, court of assize and general goal delivery shall, from henceforward, be held at Springfield, on the Thursday in the week next following the time appointed by law for the sitting of the said court at Bristol, which is on the second Tuesday in September, yearly; any law, usage or custom to the contrary notwithstanding.

*And be it further enacted by the authority aforesaid,*

Appeals, re-  
views, &c.,  
revived.

[SECT. 2.] That all appeals, reviews, recognizances, warrants or other process, which should have been heard and tried at the superiour court of judicature, court of assize and general goal delivery to have been holden at Springfield, for the said county of Hampshire, by adjournment, on Wednesday, the eighteenth day of September, but discontinued by reason of the sickness or other bodily infirmity[ies] of most of the justices of the said court, be, and hereby are, revived, continued and adjourned over, and may be pleaded, heard and proceeded upon at the next superiour court of judicature, court of assize and general goal delivery, to be holden at Springfield aforesaid, on the Thursday following the next court at Bristol, as aforesaid; and all part[ies] that had day by any pleas, writs, bills, actions, suits, plaints, process, precepts, recognizances or other things whatsoever, that are discontinued in the said court, to have been holden by adjournment, as aforesaid, shall respectively appear at the next court to be holden at Springfield aforesaid, on the Thursday abovementioned, under the penalty of forfeiting any bonds, obligations or recognizances for the appearance of the said part[ies], or any other penalty that might have incurred on the said part[ies] for not appearing at the court discontinued, as aforesaid, if the same had been held and kept.

Inferiour court,  
&c., to sit on

[SECT. 3.] And that the sessions of the inferiour court of common pleas, and of the court of the general sessions of the peace, that are

now ordered to be held at Springfield, on the first Tuesday of September, be altered, and henceforward holden, from time to time, on the last Tuesday in August; any law, usage or custom to the contrary notwithstanding. [*Passed November 19.*]

the last Tuesday in August.

## CHAPTER 9.

### AN ACT FOR THE FURTHER REGULATING THE SOLDIERS IN HIS MAJESTY'S SERVICE AT CASTLE WILLIAM.

WHEREAS it hath been judg'd most for his majesty's service and the advantage of this province that during peace there should be a settled garrison at his majesty's Castle William; and, for the encouragement of soldiers to enlist themselves, rewards have been given from time to time, according to the number of years they were so enlisted, besides their not being liable to be removed to service elsewhere; notwithstanding all which the soldiers so enlisted, do from time to time contract debts more than their wages will allow, and barter away their cloths and other necessities, to the great hurt of the service; for the better preventing whereof.—

See 1708-9, chap. 8.

*Be it enacted by His Excellency the Governour, Council and Representatives in General Court conven'd, and by the authority of the same,*

[SECT. 1.] That any clothing, or other things belonging to any soldier actually in the service, as aforesaid, pawn'd, truckt, barter'd or alter'd from one person to another, shall be restor'd and made good without any price or redemption therefore to be rendered or given; and the person offending in making such pawn, truck or barter, and in accepting and receiving the same, shall be punished by lying in the bilbo's not exceeding twelve hours, or some other proper military punishment, where they are both in the service.

Soldiers at Castle William prohibited to pawn or barter, &c., their clothes,

Punishment.

*And be it further enacted by the authority aforesaid,*

[SECT. 2.] That if any person whatsoever shall trust or give credit to any soldier, during his being actually in the service, for clothing or other things whatsoever, no process shall be granted or served on such soldier for any debt so contracted, until he be dismiss'd the service; and every writ or process granted or served contrary hereunto shall be deem'd and adjudg'd void in law, and of none effect; and any justice of the peace within the county where any soldier is committed and restrain'd upon process granted for debt or pretention of debts made as aforesaid, upon certificate from the captain or chief officer under whose command such soldier is, that he is actually in his majesty's service, shall forthwith order his release from his confinement to return to his duty; any law, custom or usage to the contrary notwithstanding.

Credit forbidden to any soldier enlisted.

[SECT. 3.] This act to continue in force to the end of the sessions of this court in May, one thousand seven hundred and twenty-two, and no longer. [*Passed November 20.*]

Limitation.

## CHAPTER 10.

### AN ACT FOR THE BETTER REGULATION OF FOWLING.

WHEREAS the waterfowl of divers kinds, which were wont in former years, in great numbers, to frequent the maritime towns of this province,

1710-11, chap. 13.

were of great service and benefit to the inhabitants, both for meat and feathers, but are now in great measure affrighted and driven away by many persons who have made use of boats, canoo's, floats or other vessel[1]s, therein to go off to shoot them, at distance from the shoar, upon the flats and feeding grounds, which practices, if continued, are likely to have the ill effect to cause the fowl wholly to desert and disuse the said towns; for prevention whereof,—

*Be it enacted by His Excellency the Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

Persons not to shoot at water-fowl in any boat, canoe, &c.

[SECT. 1.] That if any person or persons shall, at any time after two mo[un]ths from the publication of this act, make use of any boat, canoo, float, raft or other vessel[1], wherewith to approach to and shoot at any waterfowl in any part of this province, he or they so offending shall each of them forfeit and pay for every such offence, the sum of forty shillings to the informer.

Three years' restraint from shooting at waterfowl.

[SECT. 2.] And every such offender shall be, and hereby is, prohibited and restrained from using a gun to shoot at waterfowl, for the space of three years next after his offence, upon the like penalty of forty shillings for each time he shall presume so to offend, to be disposed of in manner as the forfeiture aforementioned.

Limitation.

[SECT. 3.] This act to continue in force until[1] the tenth day of December, in the year one thousand seven hundred and twenty-four, and no longer. [*Passed November 12.*]

## CHAPTER 11.

AN ACT IN FURTHER ADDITION TO THE ACT FOR ENCOURAGING THE KILLING OF WOLVES, MADE IN THE FIFTH YEAR OF THE REIGN OF KING WILLIAM AND QUEEN MARY.

*Be it enacted by His Excellency the Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

Reward of four pounds for killing a wolf.  
1693, chap. 6.  
1694-5, chap. 26.  
1715-16, chap. 16.  
Wolf's whelp twenty shillings.

[SECT. 1.] That from and after the publication of this act the reward for killing a grown wolf [e] shall be the sum of four pounds, and for a wolve's whelp, other than such as shall be taken out of the belly of any bitch wolf [e], the sum of twenty shillings, to be paid according to the provision made in said act.

And for preventing of fraud in any person that shall bring the head of any wolf [e], or wolve's whelp, to the constable of any town, killed without the bounds of the province,—

*Be it enacted by the authority aforesaid,*

Oath to be made for the killing of a wolf.

[SECT. 2.] That when and so often as any person shall bring the head of any grown wolf [e], or wolve's whelp, to the constable of any town or district within this province, and it be suspected such wolf [e] or whelp was not killed within the same, such person or persons shall not be intitled to the reward in this act provided, until[1] he or they make oath before one of his majesty's justices of the peace, or selectmen of the town in such town where no justice of the peace dwells, who are hereby impowred to adminster the same, that such wolf [e] or whelp was *bona fide* killed within this province.

*And be it enacted by the authority aforesaid,*

Indians entitled to the reward, in case.

[SECT. 3.] That if any Indian or Indians shall kill any wolf [e], or wolve's whelp, within this province, they shall be intitled to the same reward in this act provided for the killing of wolves, or wolves' whelps, in case such Indian or Indians bring the body of such wolf [e] or wolve's



whelp to a constable, and satisfy the selectmen of such town where the wolf[e] or whelp is brought, that they were killed in this province.

And, whereas it has been represented to this court that it has been practised in some parts of the province to bring the pate or scalp of a wolf[e] to a constable, instead of the head, which, if not prevented for the future, may be of evil consequence,—

*Be it therefore further enacted be the authority aforesaid,*

[SECT. 4.] That no constable or selectm[e][a]n for the future shall take or receive any pate or scalp of any wolf[e], or give receipt of the same, for the payment thereof, on penalty of forfeiting the sum of four pounds; one moiety thereof to his majesty, for and towards the support of this government, and the other moiety to him or them that shall en-  
No pate or scalp to be received, or receipt passed, by a constable, or selectman.  
 form and sue for the same.

*Provided,*

[SECT. 5.] That this act shall continue in force until the end of the  
Limitation.  
 session of this court that shall begin in May, anno [one thousand seven hundred twenty-two], [1722] and no longer. [Passed November 12.]

# ACTS

PASSED AT THE SESSION BEGUN AND HELD AT BOSTON,  
ON THE SIXTH DAY OF FEBRUARY, A.D. 1717-18.

## CHAPTER 12.

AN ACT IN ADDITION TO THE ACT INTITULED "AN ACT FOR THE BETTER PRESERVATION AND INCREASE OF DEER," MADE AND PASSED BY THE GREAT AND GENERAL COURT OR ASSEMBLY, AT THEIR SESSION HELD AT BOSTON, THE FIFTEENTH DAY OF NOVEMBER, 1698, IN THE TENTH YEAR OF THE REIGN OF HIS LATE MAJESTY, KING WILLIAM THE THIRD.

1698, chap. 21.

WHEREAS the depth of snow in some late winters hath been so great as hath occasioned the destruction of a great part of the deer in this province; to the intent that the said creature (which is both harmless and profitable) may be preserved and increased,—

*Be it enacted by His Excellency the Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

No deer to be  
killed until  
August, 1721.

[SECT. 1.] That no person or persons whatsoever within this province, from and after the publication of this act, until the first day of August, which will be in the year of our Lord one thousand seven hundred twenty-one, shall, by any means, kill any buck, doe or fawn, on pain that such person or persons so offending shall forfeit the sum of ten pounds for every buck, doe or fawn so killed; one moiety to his majesty, the other half to the informer that shall sue for and recover the same: *provided*, that no offender shall be admitted to be an informer; the said penalty to be recovered and the proof of the offence to be made in like manner as the penalty and offence mentioned in the said act.

Penalty.

[SECT. 2.] And if any son under age, or servant, shall be convicted of a breach of this act, their respective parents or masters shall be liable to the said penalty.

Officers, justices, &c., to see that this act be duly observed.

[SECT. 3.] And all officers, justices of the peace, grand jurors and constables are hereby required diligently to see that this act be duly observed; and every justice of the peace, upon complaint made of any such offence, shall bind over the offenders to the next court of general sessions of the peace for the same county; and all grand jurors shall duly present and inform of all breaches of the said act at the said court.

Persons unable to pay the penalty to satisfy by work.

[SECT. 4.] And in case any person be convicted upon such binding over and presentment, the whole fine and forfeiture shall be to his majesty for and towards the support of the government; and if the offender shall be unable or unwilling to pay the said fine, then that he be constrained to work three months for the first, and six months for the second offence, as shall be directed by the justices before whom the offence shall be heard and determined; and that the earnings of his said work be applied for the uses before mentioned; and that the said offender stand committed to goal till he is put out to the said work; any law, usage or custom to the contrary notwithstanding. [*Passed February 13, 1717-18.*]

## CHAPTER 13.

AN ACT FOR ALTERING THE TIME FOR HOLDING THE SUPERIOUR COURT OF JUDICATURE, COURT OF ASSIZE AND GENERAL GOAL DELIVERY WITHIN THE COUNTY OF PLYMOUTH.

WHEREAS the time by law appointed for holding the superiour court of judicature, court of assize and general goal delivery, at Plymouth, for the count[ie][y]s of Plymouth, Barnstable and Dukes county, on the last Tuesday of March yearly, is found inconvenient, for that, oftentimes, by reason of the severity of the weather and badness of the roads at that season, it is very difficult for the justices and others concerned to travel thereto; for remedy whereof.—

1699-1700, chap. 3, § 2.

*Be it enacted by His Excellency the Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

That the said superiour court of judicature, court of assize and general goal delivery, appointed to be held at Plymouth, for the count[ie][y]s of Plymouth, Barnstable and Dukes county, upon the last Tuesday of March, be henceforth holden and kept at Plymouth aforesaid, on the last Tuesday of April, annually; and all appeals, reviews, recognizances, informations, indictments, warrants or other process, which were to have been heard and tryed at the superiour court of judicature, court of assize and general goal delivery, at Plymouth, on the last Tuesday of March next, be heard and tryed by and before the court, on the last Tuesday of April next; any law, usage or custom to the contrary notwithstanding. [*Passed February 13, 1717-18.*]

Time for holding the superior court in Plymouth altered.

## CHAPTER 14.

AN ACT IN ADDITION TO AN ACT INTITULED "AN ACT PROVIDING IN CASE OF SICKNESS."

WHEREAS there is now provided at the charge of the province a convenient house on the island called Spectacle Island, for the reception of such as shall be visited with contagious sickness, to keep them from infecting of others,—

1701-2, chap. 9.

*Be it therefore enacted by the Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

[SECT. 1.] That the keeper of the lighthouse and the commanding officer of Castle William shall notify and direct the masters of all vessels coming near them, wherein any infectious sickness is or hath lately been, at their coming in, to come to anchor as near the beforementioned house as may be, that the sick persons and everything else on board said ship that may give infection (proper to be put into the said house), may be removed into it with the greater ease and safety.

Ships infected with sickness to anchor near Spectacle Island.

[SECT. 2.] That if any master or immediate commander of any such vessel, for the time being, in disobedience to such orders or contrary to this act, come with his vessel, or suffer her to be brought up above the said castle, come himself, or suffer any of his people or passengers to come ashore, or any boats to come on board, or suffer any goods to be taken out of his vessel, without leave first obtained from the governour and council, or two justices of the peace, and the selectmen of the town of Boston, he shall, for every such offence, forfeit the sum of fifty pounds; and in case he be not able to pay that sum, he shall suffer six months' imprisonment. And the master of every such vessel is hereby

Penalty for masters coming up above the castle without leave from authority.

Infectious goods to be put into the hospital.

directed and impowred to put into the said house, or where the said selectmen shall direct, all such goods as, in the opinion of said selectmen, may carry an infection in them, under the penalty aforesaid.

[SECT. 3.] That if any sailors or passengers coming in such vessel shall, without the knowledge or consent of the master, presume to come on shore, or up above the said castle, or if any person, from town or country, presume to go on board such vessel, or go to the aforesaid house or hospital in time of infection there, without leave from the authority aforesaid, or if any person put sick into the said house shall presume to go off the island without leave as aforesaid, every person offending in any of the abovementioned particulars shall forfeit the sum of ten pounds; and in case any person be not able to pay said sum he shall suffer two months' imprisonment.

Persons unable to pay their fine to suffer imprisonment.

[SECT. 4.] All the abovementioned fines to be sued for and recovered by the province treasurer, for the time being; one-third of the fines to be to his majesty for the use of this government, one-third to the informer, and one-third to the province treasurer, for the time being.

[SECT. 5.] And when and so often as any ship or other vessel shall come to any port or harbour within this province, wherein any infection or infectious sickness is or hath lately been, the justices and selectmen of such place be impowred immediately to order the said vessel and sick persons to the province hospital or house aforesaid, there to be taken care of according to the directions of this act. And where any such ship, vessel or persons cannot without great inconveniency and damage be ordered to the aforesaid house or hospital, in every such case the rules and directions of the aforementioned act already made in case of sickness are to be observed.

Repairs, &c., to be taken care of by the selectmen of the town of Boston.

[SECT. 6.] And all repairs and whatsoever is necessary for the accommodation of such persons, shall be taken care of and provided for by the selectmen of the town of Boston aforesaid, at the immediate charge of the province: *provided, nevertheless*, that this is not to be understood to excuse any persons or towns, who, according to the aforementioned law, are obliged to defrey the charge that may be occasioned by their sickness or confinement in the said hospital.

Limitation.

[SECT. 7.] This act to continue in force until the end of the session of this court which will begin in May, *anno* one thousand seven hundred and twenty-three, and no longer. [*Passed February 14, 1717–18.*]

## CHAPTER 15.

### AN ACT FOR CALLING IN OF PROVINCE BILLS OF CREDIT, OUTSTANDING, OF FORMER PLATES, SIGN'D WITH THREE HANDS ONLY.

1710-11. chap. 12.

WHEREAS, at the session of this court in October, one thousand seven hundred and ten, an act passed, intituled "An Act for exchanging the twenty-shilling bills of credit, &c", wherein the treasurer and receiver-general of this province, for the time being, is directed and required, from and after publication thereof, not to issue or pay out any of the twenty-shilling bills of the date one thousand seven hundred and two; and the treasurer is also by the said act impowred and directed to exchange all the twenty-shilling bills of the aforesaid date of one thousand seven hundred and two; and all persons possessing any of the said twenty-shilling bills dated one thousand seven hundred and two, are thereby required to bring them to the treasurer to be exchanged accordingly; and at the sessions of this court in October, one thousand seven hundred and thirteen, an act passed, intituled "An Act for the

1713-14, chap. 11.

better securing the bills of credit on this province from forgery and corruption, and for drawing in the ten-shilling, and three-and-sixpenny bills"; there being also a further discovery since made of a considerable quantity of forged and counterfeit bills of the several denominations of the five-pounds, three-pounds, and fifty-shillings, his excellency the governour, with advice and consent of the council, on Wednesday, the sixteenth of February, one thousand seven hundred and fourteen, issued proclamation, to be printed and dispersed by the treasurer to the several parts of the province, for the calling in of the bills of credit of the several denominations of five-pounds, three-pounds, fifty-shillings, twenty-shillings, ten-shillings and three-shillings-and-sixpence; and notwithstanding the care of the government as aforesaid, yet persons are generally regardless and negligent to bring in and exchange the bills of the former impression, directed to be drawn in as aforesaid, the delay whereof is of ill consequence to the publick, and may prove greatly detrimental to many particular persons.—

*Be it therefore enacted by His Excellency the Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

[SECT. 1.] That all persons who are possessed of any of the bills of credit aforesaid, and all other bills on this province that are signed but by three of the committee only, do forthwith bring in and exchange them at the treasury, at or before the first day of November, *anno Domini* one thousand seven hundred and eighteen, that so there may be no bills passing but those that are sign'd by four of the committee.

*And be it further enacted by the authority aforesaid,*

[SECT. 2.] That from and after the first day of November, one thousand seven hundred and eighteen, the bills of credit on this province, signed as aforesaid but by three of the committee, be, and hereby are, prohibited and forbidden to pass from man to man, or have any further currency. [*Passed February 14, 1717-18.*]

Bills signed by three hands only, to be exchanged.

Bills signed by three hands only, not to pass after November, 1718.

NOTES.—There were three sessions of the General Court this year. The third session was prorogued to Feb. 14, and afterwards, by proclamation, to April 23, 1718; but was dissolved by proclamation April 10th, 1718, without having met.

All the engrossments of the foregoing acts are preserved, except of chapters 12, 14 and 15, which, however, were printed with the sessions acts.

The following are titles of private acts passed at the second and third sessions, respectively:—

"An act for taking of the Entail and Vesting the Fee-Simple of certain Lands in Scituate, in Thomas Briant, for an Equivalent proposed by Joseph Briant to whom the said Lands were given in Tail."—[*Passed November 20.*]

"An Act enabling William Read to bring forward his Appeal from the sessions of the Peace in Middlesex to the Superiour Court of Judicature to be held in Charlestown for the County of Middlesex."—[*Passed November 20.*]

"An Act Impowring the Judge of Probate to allow a Divisional Agreement made between the Children & Heirs of Edward Denison late of Roxbury Yeoman dece'd."—[*Passed November 21.*]

• "An Act Enabling John Porter to bring forward an appeal to the Superiour Court to be held in May next in the County of Essex."—[*Passed November 21.*]

At a meeting of the Board of Trade, June 18, 1718, "Mr. West attending," chapter 7 was considered, and, on the 20th of the same month, chapters 1, 2, 3, 4, 5 and 6 were considered, and "No objection" was minuted against chapters 1, 3, 4, 5 and 7. Chapter 2 was ordered "To lye by," and chapter 6 was marked "expires 29th June, 1718." On the 9th of July following, Mr. West being present, chapters 8, 9, 10, 11, 12, 13, 14 and 15 were considered at a meeting of the Board, and "No objection" was minuted against chapters 8, 9, 11, 13 and 15; and chapters 10, 12 and 14 were ordered "To lye by."

No further action upon these acts appears to have been taken by the Board, except the consideration of Mr. Secretary Willard's letter as shown in NOTE to chapter 1, *post*, until Oct. 15, 1724, when chapters 1, 4, 8, 9, 10, 11, 13 and 14 were again submitted to Mr. West, who, on the 19th of May following, reported that he had "no objection to their being pass'd into Law." These acts were included, with those of 1715-16 and 1716-17, in the list which was endorsed in the manner shown in the NOTES to those years, respectively.

The following letter from Mr. Secretary Willard accompanied the copies of acts of the second and third sessions forwarded by him to the Secretary of the Board of Trade, and explains why the titles of private acts have not uniformly appeared in the lists of acts received by the Board of Trade:—



"To WILLIAM POPPLE Esq<sup>r</sup>

Sir, This accompanies a Copy out of the Publick Records of this Province of the Proceedings of the Gen<sup>l</sup> Assembly in their two last Sessions, the first beginning October 23<sup>rd</sup> 1717 & immediately succeeding the Minutes of the Sessions in May last, a Copy of which Mr Marion the late Deputy Secretary transmitted to you by his Maj<sup>ty</sup>'s ship Rose, the other Sessions beginning February 6<sup>th</sup> 1717. I have likewise enclosed four Acts of the General Assembly past in the Sessions of October & four others past in the Sessions of February. I am informed it has not been usual to send copies of the private Acts, the Titles and Purport of them being contained in the Minutes of the Assembly. If any other copies are expected out of the Secretaries Office please to let me know their Lordships commands thereon & I shall readily conform myself to them. I have been told that Paper & other Stationery Ware is allowed by the Lords Commissioners to the Secretaries Offices in the Plantations, if it be so, you will please send us a supply and it will be very acceptable

I remain, with great respect Sir, Your most obed<sup>t</sup> hum<sup>b</sup>le Ser<sup>t</sup>

JOSIAH WILLARD

Boston in New England May 5<sup>th</sup> 1718."

—*Public Record Office*: "N. E., Board of Trade," vol. 38, p. 160.

Chap. 1. To the following letter of Mr. Secretary Willard, objecting to the confirmation of this act, no other response has been found than the action of the Board of Trade shown in the extract from the journals of the Board hereunder given:—

"Sir, I have thought it proper to advise you of my arrival here, that (if it be necessary) the Lords Commrs may know that I am no longer absent from my post. I dispatched the Paquets their Lordships gave me for Brigadier Hunter immediately upon my coming hither. I must use this opportunity of recommend<sup>g</sup> to you an affair in which I am deeply interested. The first Act of the Assembly of this Province relating to fees was made in the 4<sup>th</sup> year of William & Mary and among other articles referring to the Secretaries Fees there are these two. Every Order of Council for the benefit of particular persons 2s. 6d. Every Petition to the Governor & Council or Gen<sup>l</sup> Assembly from 2s. 6d. to 10s. In the first year of his present Maj<sup>ty</sup>'s Reign An Act passed entitled *An Act in addition to an Act for regulating Fees*, the words of which are as follows Whereas in the aforesaid Act there is not mention made of the Fees to be taken for many things which may from time to time be entered, recorded, registered & copied either in the Secretaries or Clerks Offices of the several Courts within this Province, Be it therefore Enacted &c That no Officer whatsoever shall ask, demand & take any more than 12<sup>d</sup> a pay for the entering, recording, registering & copying all & every matter & thing whatsoever. The design of which Act was not only to prevent any demand of extravagant Fees but also to state & appoint Fees for such work as was never in any former Acts mentioned, as is plain both by the preamble of this Act & by the consequent practise of the House of Representatives, who passed Mr Woodward the late Secretary's accounts without the least demur, in which he charges 12<sup>d</sup> a pay for entering & copying the public transactions of the Government. In the Sessions of the Assembly held in May last, an Act passed intituled an Act in addition to and explanation of two Acts (the Acts I before mentioned) referring to the regulating Fees, the body of which Act is in these terms; viz: Be it Enacted &c that for the future no Fee whatsoever shall be due or demanded in the said Sec<sup>ry</sup> Office for any Order of the Governor & Council for the payment of any publick debts of & from the Govern<sup>mt</sup>: And be it further Enacted That the fee for any petition to the Gov<sup>r</sup> & Council referring to any debt of the Province as aforesaid be 2s. 6d. and no more. And be it further Enacted that no Fee whatsoever shall be due or demanded in the said Office for any other copies or copying than such as are taken from fair entries, registers or records & those only for a Private use & not for the service of the Government. This last recited Act which is called an Act in addition to & explanation of the two former Acts is really a repeal of them. The Act with some others is sent home for the Royal Assent and I suppose now lyes before the Lords Commrs of Trade & Plantations; And I hope their Lordships will be so good guardians of such offices as are in his Maj<sup>ty</sup>'s gift as not to think Acts of that kind fit to pass, for by the last Clause of this Act the heaviest & most troublesome business in the Secretaries Office must be done without the least consideration of profit & the salary is so scandalously small as not to amount to more than £10 Sterling. Besides I can't think it in the power of the Government here to take off the Fees of any Offices that are held by Letters Patent under the Great Seal, after they have by their own Acts stated and settled them. I intreat your friendship in making a proper Representation of the great injuries done to the Secretaries Office by this Act. Please to give my service to Mr Bampfield & assure him that if I can be usefull to him in anything that may fall in my way on this side the water, I shall very readily embrace the opportunity. I doubt not but your goodness will excuse me that I give you so long a trouble. I shall always be

Sir Your most obedient humble Servant

JOSIAH WILLARD

Boston, New England, Decr 23<sup>rd</sup> 1717."

—*Public Record Office*: "N. E., Board of Trade," vol. 38, p. 93.

"WHITEHALL, Tuesday, March 4<sup>th</sup>, 1717-8.

A Letter from Mr Willard Secretary of the Massachusetts Bay dated the 23<sup>rd</sup> of December 1717, relating particularly, to some Acts of that Province about the Fees of his Office, was read; And their Lordships resolv'd to take the said Acts into consideration at the first opportunity."—*Trade-papers*, vol. 20, p. 139, in *Public Record Office*, London.

Chap. 7. "June 17. 1717. The following Vote pass'd in the House of Represent<sup>ves</sup> Read & Concur'd: Viz,—

Voted that Eleven Thousand Pounds only of the Twenty two Thousand Pounds granted in the Years One Thousand seven Hundred & Eleven & One Thousand seven Hundred & twelve be levied & collected this present Year And that the Duties of Impost & Tun-



nage of Shipping & Excise together with the Income of the Bills let out & the Light House be a Fund & Security for the Drawing in the Remaining Eleven Thousand Pounds.

Consented to, SAM<sup>LL</sup> SHUTE."

—*Council Records*, vol. X., p. 165.

Chap. 14. "Nov. 23. 1716 The Report of the Committee appointed the eleventh of June last to Investigate a suitable Place for an Hospital for infectious Persons; Viz,

In Obedience to the foregoing Order We have searched both by Land & Water the most convenient Places in & about Boston Harbour, & find Spectacle Island & Squantum Neck to be the two most convenient Places for such an Hospital, & discoursed the owners about it.

Mr Bill refuses to sell any Part of Spectacle Island in Fee, but demands ten Pounds per Annum for the Use of one Acre of his Land for that Service. Mr Bull demands Fifty Pounds for one Acre in Fee upon the South East Part of the Moon, with Liberty to pass & repass, Which Place being equally convenient with the other, besides that it is to be bought outright, that it lies more out of the common Road of Shipping, & that it can be come at both by Water & Land, We recommend that as the fittest Place: We herewith offer the Draught of a House, Which we reckon most agreeable to that occasion, The Charge whereof with a Well, Fencing, a Shed to House infectious Goods in, & other Accommodations We compute will amount to between One Hundred & fifty & Two Hundred Pounds: We offer also some Minutes Which we judge convenient to be drawn into An Act: All which is humbly submitted to this Hon<sup>ble</sup> Court.

By Order of the Committee

Boston Nov. 15. 1716."

ADAM WINTHROP

The following Vote pass'd in the House of Representatives upon the foregoing Report of the Committee: Read & Concur'd; Viz,

"Voted that this Report be so far Accepted, that the Acre of Land mentioned therein on Squantum Neck with necessary Privileges be purchased & paid for out of the publick Treasury, The Title to be vested in the Province Treasurer for the Time being for the Use of this Province.

That One Hundred & fifty Pounds be allowed out of the publick Treasury for erecting necessary Buildings &c thereon; That Samuel Thaxter & William Payne, Esq<sup>rs</sup> be a Committee to take Care for the Building & Fitting the Hospital as soon as may be: And that the said Committee prepare and lay before this Court a Draught of a Bill enacting as they shall think necessary on this Occasion.

Consented to, SAM<sup>LL</sup> SHUTE.

—*Council Records*, vol. X., pp. 122-3.

"April 11. 1717. The following Order pass'd in the House of Represent<sup>ves</sup> Read & Concur'd; Viz,

Upon Reading a Petition of a considerable Number of the Inhabitants of the Towns of Dorchester, Braintree & Milton Praying that a Hospital for the Entertainment of Infectious Persons may not be Erected on Squantum Neck in Dorchester aforesaid, As has been proposed in the Committees Report appointed for that Purpose.

Ordered that Adam Winthrop, William Payne, Samuel Thaxter & Jonathan Dowse Esq<sup>rs</sup> be a Committee to find out & agree for a more suitable Place for the Building a Hospital, That it may be Erected with all convenient Speed;

Consented to,

—*Ibid.*, pp. 141-2.

SAM<sup>LL</sup> SHUTE."

"May 15. 1717. In answer to a motion of a Committee of y<sup>e</sup> Gen<sup>l</sup> Assembly,

Voted, That the Selectmen be impowered to Lease a peice of Land on Dere Island not exceeding one acre, for a Term not exceeding ninety nine years to be improved for the erecting an Hospital or Pest House there for the reception and entertain<sup>mt</sup> of sick persons coming from beyond sea, and in order to prevent the Spreading of Infection."—*Boston town-records*, vol. 2, p. 373.

Aug. 9. 1717. Samuel Bill and wife conveyed, for £100, to Jeremiah Allen, treasurer of the province, and his successors, the southerly end of Spectacle Island.—(*See Suffolk Registry of Deeds*, lib. 32, fol. 44.) By this deed it appears that the cellar of the hospital had been already dug. See, further, Shurtleff's *Topographical and Historical Description of Boston*, pp. 512-515.

"Oct. 29. 1717. An Account of the Charges on the Hospital built on Spectacle Island amounting to One Hundred & seventy three Pounds, Was given in to the House of Representatives by Coll. Thaxter and Mr W<sup>m</sup> Payne

Read & Committed; Read & Resolved that so much be further allowed & paid out of the publick Treasury, as with what has been already paid on this Account shall make up the sum of One Hundred & seventy three Pounds to discharge this Account.

And the Committee are desired to proceed in making a Fence & Well at the best Rate they can: Sent up for Concurrence, Read & Concur'd:—

Consented to,

—*Council Records*, p. 188.

SAM<sup>LL</sup> SHUTE."

"Nov. 28. 1719. A Petition of Samuel Bill of Boston Shewing that upon his Petition presented to the General Assembly at their Session in October 1718 he obtained a Vote for Three Pounds as a Recompence for his Damage sustained from those that were Ordered by this Government to abide on Spectacle Island, that he humbly conceives his Allowance would have been much greater had he particularly sett forth his Damage, which is as follows, While the Hospital was building on the said Island seventy Passengers from Ireland, in a Vessel that had the Small Pox were put on Shoar on the Island by Order of the Government & tarried there six Weeks in which Time they trod down several Acres of Grass fit for Mowing, & cut down nine or ten large Trees, that some of the poor People being sick & in perishing Circumstances, the Petitioner spent above three pounds in Relieving them, that since the Building the Hospital he has supplied it with Water & has been servicable in Making Fires & looking after the said Hospital, the Key thereof being committed to him, & that he takes Care that it be wholesome & fit for the Reception of sick People; And therefore humbly Praying that this Hon<sup>ble</sup> Court would consider his Losses & how slender an Allowance has been already made for the same, And seeing

they have been occasioned by the Act of the Government, in Placing the Hospital on the said Island & Ordering sick People there, That they would in their great Justice & Goodness Order him such an Allowance, as they shall think proportionable to his Services & Damages as aforesaid.

In the House of Representatives; Read & Resolved that the Sum of Twelve Pounds be allowed and paid out of the publick Treasury to Samuel Bill the Petitioner in full of all Damages mentioned in his Petition. In Council; Read & Concur'd:—

Consented to, SAM<sup>LL</sup> SHUTE."

—*Ibid.*, p. 504.

(a.) "June 20. 1717. The following Resolve pass'd in the House of Represent<sup>es</sup> Read & Concur'd; Viz.,—

RESOLVED that the Treasurer be & hereby is Directed & Impowered to Issue forth & Emit of the Bills of publick Credit received into the Treasury the Sum of Three Thousand Pounds for Payment of the publick Debts of the Province already Contracted for the Defence & Support of the Government & the necessary Protection & Preservation of the Inhabitants of this Province & for the Subsisting of Forts & Garrisons & Wages arising for their Service for Payment of Grants, Salaries & Allowances made or to be made by this Court, according to such Draughts as from Time to Time shall be made upon him by Warrant or Order from the Govern<sup>r</sup> or Commander in Chief for the Time being By & with the Advice & Consent of the Council; And the said Bills shall pass out of the Treasury at the Value therein express'd equivalent to Money & shall be taken & Accepted in all public Payments at the Advance & after the Rate of Five Pounds per Cent. more.

And as a Fund & Security for the same There be and hereby is Granted to his most Excellent Majesty to the Ends & Uses as aforesaid a Tax of Three Thousand Pounds to be levied on Polls & Estates both Real & Personal within this Province according to such Rules & in such Proportion upon the several Towns & Districts within the same as shall be Agreed on & Ordered by the Great & Gen<sup>l</sup> Court or Assembly of this Province at their Session in May Anno 1720, & paid into the Treasury on or before the last Day of December next after.

Consented to, SAM<sup>LL</sup> SHUTE."

—*Council Records*, vol. X., p. 171.

(b.) "Nov. 18. 1717. In the House of Represent<sup>es</sup> RESOLVED that the Treasurer be & hereby is Directed & Impower'd to issue forth & Emit of the Bills of publick Credit received into the Treasury the Sum of Six Thousand Pounds for Payment of the publick Debts of the Province already contracted for the Defence & Support of the Government & the necessary Protection & Preservation of the inhabitants of this Province & for the Subsisting of Forts & Garrisons & Wages arising for their Service for Payment of Grants, Salaries & Allowances made & to be made by this Court, according to such Draughts as from Time to Time shall be made upon him by Order of the Govern<sup>r</sup> or Commander in Chief for the Time being by & with the Advice & Consent of the Council And the said Bills shall pass out of the Treasury at the Value therein express'd equivalent to money & shall be taken & accepted in all Publick Payments at the Advance & after the rate of Five Pounds per Cent. more:

And as a Fund & Security for the same There be and hereby is Granted to his most Excellent Majesty to the Ends & Uses as aforesaid A Tax of Six Thousand Pounds to be levied upon Polls & Estates both Real & Personal within this Province according to such Rules & in such Proportion on the several Towns & Districts within the same as shall be Agreed on & Ordered by the Great & General Court or Assembly of this Province at their Sessions in May Anno 1722 & paid into the Treasury on or before the last Day of December next after; Sent up for Concurrence.

Read & Concur'd;

Consented to,

SAM<sup>LL</sup> SHUTE."

—*Ibid.*, p. 212.

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ACTS

PASSED 1718-19.

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# ACTS

PASSED AT THE SESSION BEGUN AND HELD AT BOSTON,  
ON THE TWENTY-EIGHTH DAY OF MAY, A.D. 1718.

## CHAPTER 1.

AN ACT IN ADDITION TO AN ACT PASS'D IN THE FIRST YEAR OF QUEEN ANN[E], ENTITLED "AN ACT MORE EFFECTUALLY PROVIDING FOR THE SUPPORT OF MINISTERS."

WHEREAS in and by the said act a power is provided and given to the selectmen of any town from which any district or precinct is set off, to assess the inhabitants of the same the sums agreed on for the support of the minister, in case the assessors of such precinct shall neglect or refuse to do the same, but no like power with reference to the charge of building or repairing of the publick meeting-houses for the worship of God, vested either in the assessors or the selectmen.— 1702, chap. 10, § 2.

*Be it enacted by His Excellency the Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

[SECT. 1.] That when and so often as the major part of the inhabitants of any precinct or district have, or, at a meeting of the same legally warned, shall agree on the building, finishing or repairing of any publick meeting-house, or the defr[a] [e]ying any other necessary charge for the support of the worship of God, and agree on any sum or sums of money for that purpose, the assessors of such precinct or district are hereby impow[e]red to assess and raise the same on their respective inhabitants; and in case such assessors shall neglect or refuse so to do, then and in that case the selectmen of the town from which such precinct or district is derived, are hereby impow[e]red and required to assess the inhabitants of such precinct or district the sum or sums of money so agreed on, to be collected and levyed in like manner as is directed in and by said act; and all regular or legal precincts or districts are hereby also impow[e]red to ch[oo] [u]se a committee or other officers for the better management of the affairs of their respective district or precinct, as aforesaid. Assessors empowered to raise and assess money for building meeting-houses. 3 Mass., 251.

*And be it further enacted by the authority aforesaid,*

[SECT. 2.] That in all such towns where there are or shall hereafter be one or more districts or precincts regularly set off, the remaining part of such town shall be, and are, hereby deemed, declared and constituted an entire perfect district, parish or precinct (and the first or principal of said town) and the inhabitants thereof to have full power to ch[oo] [u]se a committee for the regulation and management of all affairs relating to the support of the publick worship of God, and for the chusing all necessary and proper officers in and for the said precinct, parish or district, and further to have all such powers and privileges as, by any of the laws of this province, are given or annexed to any district or precinct; any law, usage or custom to the contrary notwithstanding. [Passed June 19; published June 21. Inhabitants of any town from which several districts are set off, their power 1 Pick. 98.]

## CHAPTER 2.

## AN ACT IN ADDITION TO THE SEVERAL ACTS FOR SETTLEMENT AND SUPPORT OF SCHOOL-MASTERS [&amp;c].

1692 3, chap. 26.  
1701-2, chap. 10.  
And see 1711-12,  
chap. 6, §§ 17, 18.

WHEREAS, notwithstanding the many good and wholesome laws of this province for the encouraging of schools, and the penalty, first of ten pounds, and afterwards increased to twenty pounds, on such towns as are obliged to have a gramm[a][e]r-school master, and neglect the same; yet by sad experience it is found that many towns that not only are obliged by law, but are very able to support a gramm[a][e]r school, yet choose rather to incur[r] and pay the fine or penalty than maintain a gramm[a][e]r school,—

*Be it enacted by His Excellency the Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

Penalty.

That the penalty or forfeiture for non-observance of the said law henceforth shall be thirty pounds on every town that shall have the number of one hundred and fifty families, and forty pounds on every town that shall have the number of two hundred families, and so *pro rata* in case the town consist of two hundred and fifty or three hundred families; to be recovered, paid and employed in manner and to the use as by the law is directed; any law, usage or custom to the contrary notwithstanding. [*Passed June 17; published June 21.*]

## CHAPTER 3.

## AN ACT IN FURTHER ADDITION TO AN ACT INTITLED “AN ACT FOR REGULATING FENCES, CATTLE, &amp;c.”

*Be it enacted by His Excellency the Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

Fences, how to  
be maintained.  
1693-4, chap. 7.  
1698, chap. 12.

[SECT. 1.] That in any and every town of this province, where several allotments of upland and meadow are inclosed and fenced in one general field, or where there have been so inclosed, fenced and improved, or where all the proprietors of such land shall hereafter see cause to inclose, fence and improve the same in such manner, the proprietor or proprietors of each lot respectively during the time of his or their feeding, planting, mowing or otherwise improving his part in such general field, shall make and maintain his or their respective part of the whole fence, according to the quantity of acres of land contained in his or their allotment, until the major part of the propriety shall see cause to alter the form of their improvement, at a meeting of such proprietors legally warned for that purpose.

Justice of peace  
upon applica-  
tion, to call a  
meeting of pro-  
prietors.

[SECT. 2.] And for the better enabling such proprietors to call a meeting for the ends aforesaid, it shall be in the power of any justice of the peace for the county where such lands lye, upon application to him made by any of the two\* proprietors of such general fields, to issue out a warrant for such meeting, according to the form of an act made and passed in the twelfth year of Queen Anne, directing how meetings of proprietors of lands lying in common may be called; the whole general fence to be measured, and each man's part to be set out and apportioned by two or three discreet, indifferent persons, appointed and sworn for this purpose by any justice of the peace for the said county, excepting the major part of the propriety agree and apportion the same among themselves.

1712-13, chap. 9.



[SECT. 3.] And when the proportion of each proprietor in such general fence is adjusted and determined, the same shall be entered upon record by the clerk of the propriety, and, where there is no such clerk, by the clerk of the town where the land lyes; any law, usage or custom to the contrary notwithstanding. [*Passed June 14.*]

Each proprietor's proportion in general fence to be entered by the clerk of the propriety or town clerk.

## CHAPTER 4.

### AN ACT FOR THE BETTER REGULATING THE CULLING OF FISH.

WHEREAS, thro' the carelessness or ignorance of persons who undertake to cull fish, without being chosen and sworn to the faithful[1] discharge of that trust, many great abuses have happened to the buyers thereof; for the prevention whereof for the future,—

Disallowed by the privy council, May 7, 1721.

See 1692-3, chap. 17, § 8.

*Be it enacted by His Excellency the Governor, Council and Representatives in General Court assembled, and by the authority of the same,*

[SECT. 1.] That there shall henceforth be annually chosen in every seaport town or place within this province where fish is made and cured, at their annual meeting in March, a suitable and sufficient number of cullers of fish; and that no person or persons shall presume to cull any fish, upon any pretence whatsoever, without being chosen and sworn according to this law, upon pain of forfeiting ten pounds for every such offence. And each culler shall have due regard, in culling of all fish, to the contract or agreement between the buyer and seller, with respect to the season of [the] year wherein such fish was made and cured.

Cullers of fish to be chosen at March meeting, annually.

Penalty for culling without being chosen and sworn.

*And be it further enacted by the authority aforesaid,*

[SECT. 2.] That no person or persons shall presume to ship off any merchantable fish whatsoever, without being first surveyed or culled by a sworn culler, on the penalty of forfeiting such fish.

Penalty for shipping off fish without being surveyed or culled.

[SECT. 3.] And every master of any ship or other vessel is hereby strictly prohibited from receiving or taking on board his ship or vessel[1] any merchantable fish, in order to be transported beyond sea, until such fish be first surveyed by a sworn culler, under the penalty of five shillings fine for every quintal of fish so received or taken on board.

Penalty for master's taking such fish on board.

[SECT. 4.] And all cullers so chosen by any town or place shall each and every of them be sworn as follows; viz',—

I, A. B., do swear that I will faithfully and impartially, to the best of my judg[e]ment, perform the duty and office of a culler of fish for the year ensuing, and that I will always have a regard to the particulars mentioned in this act. So help me God.

Culler's oath.

*Provided nevertheless,* when it shall so happen that the sworn culler[s] cannot be obtained, that then it shall and may be lawful[1] for the buyer and seller to agree upon some meet person to be a culler, in such case, provided he be under the same oath and restrictions as the cullers abovesaid.

Proviso.

*And be it further enacted,*

[SECT. 5.] That all forfeitures and penalties arising by force and virtue of this act shall be disposed of, one-half to the poor of the place where the offence shall be committed, and the other half to the informer, or to him or them that shall sue for the same in any of his majesty's courts of record within this province. [*Passed June 25; published June 28.*]

Fines how to be disposed of.

\* For reasons for disallowance, see the note to this chapter, *post*.

## CHAPTER 5.

AN ACT IN ADDITION TO THE ACT FOR ENCOURAGING THE RAISING OF HEMP WITHIN THIS PROVINCE, MADE IN THE SECOND YEAR OF HIS MAJESTY[F][IE]'S REIGN.

FOR A greater and farther encouragement of the same,—

*Be it enacted by His Excellency the Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

Additional pre-  
mium for rais-  
ing hemp.  
1715-16, chap.  
19.

[SECT. 1.] That from and after the publication of this act there shall be paid out of the publick treasury the sum of nine shillings and fourpence, over and above the premium already given by said act, for every hundred and twelve pounds of good, merchantable, water-rotted hemp, of the growth of this province, that is brought to market, cured, cleansed, dressed and surveyed according as is provided in said act; any law, usage or custom to the contrary notwithstanding.

Limitation.

[SECT. 2.] This act to continue in force during the continuance of the aforscited act, which is ten years from the commencing thereof, and no longer. [*Passed and published June 21.*]

## CHAPTER 6.

AN ACT FOR THE FURTHER REGULATION OF FERRIES.

1696, chap. 14.  
1711-12, chap. 8.

WHEREAS, notwithstanding the provision already made for the speedy transportation of all travellers and passengers over the ferry at Winnisimm[i][e]t, yet, thro' the misconstruction of the said law, persons are unreasonably delayed and kept from passing said ferry until the return of the boat from the opposite side, so that in effect the benefit proposed in having three boats is lost; therefore, for remedy thereof, and that all passengers may be transported speedily,—

*Be it enacted by His Excellency the Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

Two boats to be  
always passing  
upon the water.

[SECT. 1] That two of the three boats appointed for the service of the said ferry, shall be alway[c]s passing on the water, from side to side, and as one of the boats puts off from either side, the boat on the contrary side shall be obliged to put off, unless the weather be stormy, or not safe for the passengers; nor shall any persons who want a passage cross said ferry, when to the number of five, be delay'd, under the penalty of twenty shillings.

*And be it further enacted,*

Ferry-men to  
keep planked  
trucks on each  
side the water.

[SECT. 2.] That at Charlestown, Winnisimm[i][e]t, Salem and Newbury ferries, there be henceforth provided and kept on each side of the water, by the ferry-men of the respective ferries, a pair of planked trucks of a sufficient breadth for the safe and more convenient passing of coaches, colashes, horses and cattle, in and out of the ferry-boats, on penalty of ten shillings for every three months' neglect, to be recovered before any of his majesty's justices of the peace in the county, by any person who shall inform and sue for the same; any law, usage or custom to the contrary hereof notwithstanding. [*Passed June 23; published June 28.*]

Penalty.

## CHAPTER 7.

AN ACT IN ADDITION TO AN ACT MADE IN THE SECOND YEAR OF HIS PRESENT MAJESTY'S REIGN, ENTITLED "AN ACT FOR GRANTING UNTO HIS MAJESTY AN EXCISE UPON WINES, LIQUOR AND OTHER STRONG DRINK, SOLD BY RETAIL."

WHEREAS in and by the said act it is provided that the commissioners shall pay into the publick treasury their collections, and that the justices, at their general sessions for the peace, take bond with sufficient security for the due payment of such collections to the treasurer of this province for the time being; yet, notwithstanding, divers of the said commissioners have greatly neglected to make due payments,—

1716-17, chap. 1, § 2.

*Be it therefore enacted by His Excellency the Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

[SECT. 1.] That the commissioners of the excise shall be, and hereby are obliged, under the penalty of forfeiting the reward allowed them for their service, to pay into the publick treasury once every half year what they shall receive; and also shall render a particular acco[mp]t therewith of the persons from whom they receive the same; and that the treasurer of this province, for the time being, shall put in suit the bonds of all such commissioners who shall neglect to make due payment sixty day[s] after the expiration of each year.

Commissioners to pay into the treasury once every half year, and to render particular accounts.

[SECT. 2.] And that the justices in each county within this province, shall, on such suit, forthwith take new bond of such commissioner, according to the direction of the said act, or, upon refusal or neglect of such commissioner to renew his bond, shall proceed to appoint a new commissioner; any law, usage or custom to the contrary notwithstanding. [Passed June 25; published June 28.]

Treasurer to put bonds in suit, upon neglect.

## CHAPTER 8.

AN ACT IN ADDITION TO AN ACT ENTITLED "AN ACT FOR THE MAKING AND EMITTING THE SUM OF ONE HUNDRED THOUSAND POUNDS IN BILLS OF CREDIT ON THIS PROVINCE, IN SUCH MANNER AS IN THE SAID ACT IS EXPRESSED."

WHEREAS, in and by one clause or paragraph in the said act, it is enacted "That when the com[m]issioners shall receive in the whole or any part of the principal sums before the time expressed, they shall let out the same again; and that they shall be accountable yearly, both for the principal and for the profits of all bills by them let out, to the great and general court or assembly; the profits to be applied for and towards the support of the government, as the general court shall from time to time direct;" but, forasmuch as the commissioners are under no penalty, they have not conformed to the said act, in rendering an accompt yearly to the general court, of the principal and profits of the bills by them received and let out,—

1716-17, chap. 18, § 4.

*Be it therefore enacted by His Excellency the Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

[SECT. 1.] That the said commissioners, under the penalty of forfeiting their reward allowed them for their service by the said act, shall render true acco[mp]ts, as well of the principal sums by them received

Commissioners to render true accounts of the principal and

profits, to the General Assembly at their next fall sessions, and pay in the profits to the treasury.

Commissioners to pay into the treasury yearly the profits of the bills.

and lett out, as for the profits thereof, to the great and general court or assembly, sometime in the second week of their next fall sessions, and pay into the publick treasury of this province all the profits which shall arise by the loan of the said bills, and which shall be then received by the said commissioners, and appear due by their accompts to be then exhibited.

[SECT. 2.] And from and after that time the said commissioners are hereby directed and required, under the like penalty, yearly to pay into the treasury all the profits of the said bills fourteen day[e]s before the sessions of the general court in May; and to present their accompts to the said court in the second week of their said session[s] annually, for their allowance and approbation; any law, usage or custom to the contrary notwithstanding. [*Passed June 25; published June 28.*]

## CHAPTER 9.

AN ACT IN ADDITION TO THE ACT FOR PREVENTING ABUSES TO THE INDIANS, MADE IN THE TWELFTH YEAR OF KING WILLIAM.

1700-1, chap. 9.

WHEREAS, notwithstanding the care taken and provided by said act, a great wrong and injury happens to said Indians, natives of this country, by reason of their being drawn in by small gifts, or [*for*] small debts, when they are in drink, and out of capacity to trade, to sign unreasonable bills or bonds for debt[s], which are soon sued, and great charge brought upon them, when they have no way to pay the same but by servitude,—

*Be it therefore enacted by His Excellency the Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

No bill, &c., given by any Indian to be good, unless entered into before two justices, both being present.

[SECT. 1.] That from and after the publication of this act, no bill, bond or other special[*i*]ty in writing, given by any Indian, on any contract whatsoever, shall be deemed good or be recoverable against any Indian native of this province, unless such bill, bond or specialty be entered into before any two of his majesty's justices of the peace in the county where such Indian lives, and both to be present together when the said bill, bond or specialty is executed by the said Indian, and approved by the said justices, who are therefore to take care of the equity and reasonableness of such bill, bond, bargain or contract.

*And be it further enacted,*

No contract for service of any Indian to be good, unless as above.

[SECT. 2.] That henceforth no Indian shall contract or put him- or herself, or child, apprentice or servant for any time or term of years, but by and with the allowance and approbation of two of his majesty's justices of the peace in the county where such Indian lives; and the indenture to be allowed of and approved by the said justices at the same time and when together; any law, usage or custom to the contrary notwithstanding. [*Passed and published June 21.*]

## CHAPTER 10.

AN ACT FOR THE REGULATION AND LIMITING CREDIT IN TRADE, AND FOR THE PREVENTING THE DOUBLE PAYMENT OF DEBTS.

WHEREAS the long credit in trade of late years given by merchants, shopkeepers and others, has by sad experience been found to occasion

in a great measure the extravagance and excessive consumption of unnecessary commodities so much complained of, and been greatly prejudicial to the interest of trade, and injurious both to creditor and debtor; and the debtor, his heirs, executors or administrators oftentimes forced or endangered to pay a debt over again, for want of such debtor's accompts being adjusted or reduced to some speciality in a reasonable and convenient time,—

*Be it therefore enacted by His Excellency the Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

[SECT. 1.] That from and after the publication of this act, no action shall be brought or founded on any book or accompt whatsoever, for debts hereafter to be contracted by merchants, shopkeepers, traders, handicraftsmen and others that deal on credit, after the expiration of two years from the contracting thereof, unless the same shall be adjusted, set[t]led and signed by the debtor, reduced to some speciality, or action brought and prosecuted for the same.

No action to be brought for a book debt after two years from contracting thereof.

*Provided always,*

[SECT. 2.] That this act nor anything therein contained shall extend to limit or bar[r] any action or actions of accompt between creditor and debtor, where either of them may be beyond the seas, or in other provinces or colonies, nor any action of accompt between merchants concerned together in company or partnership, their factors or servants, nor any action for and in behalf of any minor or minors; any law, usage or custom to the contrary notwithstanding.

Proviso.

[SECT. 3.] This act shall continue in force for the space of five years.

Limitation.

[*Passed June 25; published June 28.*]

## CHAPTER 11.

### AN ACT FOR THE BETTER INQUIRY INTO THE RAT[E]ABLE ESTATE OF THIS PROVINCE.

•WHEREAS there hath been great complaint that the several towns and precincts within this province have not born their equal proportions in the late taxes; for prevention whereof, and that there be a more just and equal way to proportion the several towns, precincts and inhabitants in this province,—

See 1707, chap. 7, and 1716 17, chap. 2.

*Be it enacted by His Excellency the Governour, Council and Representatives in General Court assembled, and by the authority of the same.*

[SECT. 1.] That the assessors of each town within this province, for the year [1718] [*one thousand seven hundred and eighteen*], shall upon oath, at or before the last day of August next, take a true and faithful[l] acco[un]t, according to their best skill and understanding, of all male polls from sixteen years old and upwards, being inhabitants of each respective town, whether at home or abroad; and none to be exempted thro' age, poverty, or any other cause; and likewise all rat[e]able estates of the inhabitants of each town, both real and personal, with faculties, together with the farms and inhabitants adjacent thereunto, except the governour or commander-in-chief, the lieutenant-governour, and their families, the president, fellows and students of Harvard College, set[t]led ministers and grammar-school masters who are hereby exempted from being taxed, as well for their polls as their estate, being in their own hands and under their actual management and improvement.

Assessors to take a true account of polls, &c.

Ratable estate both real and personal.

Persons exempted from taxes.



Rules for valuing ratable estate.

[SECT. 2.] And the said assessors shall be obliged, in taking such acco[un][mp]ts, to conform themselves to lists, or forms printed for this purpose, and shall make a true and just valuation, according to the rules hereafter mentioned, estimating all houses and lands, crains, wharfs, iron-works, and all sorts of mills, &c., at six years' income, as they may be reasonably set[t] or let[t] for, in the places where they lye, without any subduction for repairs; and all Indian, negro and molatto servants for life, to be estimated as other personal estate; viz., each male servant for life, above fourteen years of age, at fifteen pounds value; each female servant for life, above fourteen years of age, at ten pounds value; except the said assessors shall see just cause (by reason of age or infirmity) to make any abatement of said value, which they are hereby allowed to do. And all Indian, negro and molatto male servants for a term of years shall be numbred and rated as other polls, and not as personal estate; and every steer or ox at the age of four years old and upwards, at forty shillings value; and every cow or heif[er] at the age of three years old and upwards, at thirty shillings; and every horse or mare at three years old and upwards, at forty shillings; and every swine of one year old and upwards, at eight shillings; and every sheep or goat of one year old and upwards, at three shillings; and all decked vessel[s] at thirty shillings per ton, and all other vessel[s] at twenty shillings per ton; trading stock at one-quarter part of the true value thereof.

[SECT. 3.] And all such estate so estimated, with faculties, to be set at one penny upon the pound; the said assessors being obliged to take the following oath; vizt.,—

Oath. You, A. B., being chosen an assessor for the town of D., for this present year, do swear that you will truly and faithfully do and perform the whole business and duty of an assessor, according to the directions of this act. So help you God.

Commissioners appointed.

*And be it further enacted by the authority aforesaid,*

[SECT. 4.] That in every county there be three commissioners appointed by this court, to go to each town, who, being first sworn to the faithful[ly] discharge of their trust, shall examine and regulate the several lists and valuations made by the assessors of each town, as aforesaid.

Their power.

[SECT. 5.] And the said commissioners are impow[er]ed to examine the said assessors, upon oath, relating to the several lists presented to them; as also the assessors for the year [1717] [*one thousand seven hundred and seventeen*], who are hereby obliged to deliver to them the several lists referring to the tax in the said year; which oath the said commissioners are impow[er]ed to administer.

[SECT. 6.] And such lists, being perfected and signed by the assessors and commissioners for the year [1718] [*one thousand seven hundred and eighteen*], shall be by the said commissioners delivered to the general court in the second week of their next fall sessions.

Commissioners' names in the several counties.

[SECT. 7.] And the commissioners appointed for each county are as follows; vizt.,—

For the county of Suffolk, Edmund Quincey, Habijah Savage and Samuel Thaxter, Esqrs.

For the county of Essex, Capt. Peter Osgood, Maj[or] John Denison and Capt. Richard Kimhal.

For the county of Middlesex, Jonas Bond, Francis Fullam and Jonas Prescott, Esqrs.

For the county of Hampshire, Samuel Porter, Esqr., Luke Hitchcock, Esqr., Jonathan Wells, Esqr.



For the county of Plymouth, Nathaniel Thomas, Esqr., Mr. Thomas Turner, Capt. William Shurtliff.

For the county of Barnstable, Col. William Basset, Shubal Gorham, Esqr., Joseph Doan, Esqr.

For the county of Bristol, Nathaniel Byfield, Esqr., Daniel Smith, Esqr., Capt. William Southworth.

For the county of York, John Wheelwright, Esqr., Charles Frost, Esqr., Mr. John Sayword.

For Dukes county, Mr. Shubal Smith, Enoch Coffin, Esqr., Mr. Samuel Look.

For Nantucket, Joseph Coffin, Esqr., George Bunker, Esqr., George Gardner, Esqr.,

[SECT. 8.] And none of the aforesaid assessors shall serve as commissioners.

[SECT. 9.] And the several commissioners shall be allowed for their service six shillings *per diem*, to be paid by their respective counties, and the assessors three shillings *per diem*, to be paid by the respective towns.

Allowance to the commissioners.

[SECT. 10.] And if any of the said commissioners shall refuse, neglect or fail of their duty, each of them shall forfeit and pay the sum of ten pounds; and if any of the said assessors shall refuse, neglect or fail in their duty, each of them shall forfeit and pay the sum of five pounds; the one-half to his majesty, and the other half to him or them that shall inform and sue for the same, by bill, plaint or information in any of his majesty's courts of record.

Penalty for assessors' neglect.

[SECT. 11.] And in case of [the] sickness, death or refusal of any of the said commissioners, the justices of the court of general sessions of the peace in the respective counties within this province, are hereby impow[er]ed to appoint others in their room; and the clerk of the sessions in each county where such vacancy happens, and the sessions not near sitting, is hereby directed to notify all the justices of the said county to sit in the shire town for the supplying and filling up such vacancy or vacancies. [*Passed July 1; published July 5.*]

Court of sessions to appoint commissioners, in case.

## CHAPTER 12.

### AN ACT FOR GRANTING UNTO HIS MAJESTY SEVERAL RATES AND DUTYS OF IMPOST AND TUNNAGE OF SHIPPING.

WE, his majesty's loyal and dutifull subjects, the representatives of this his majesty's province of the Massachusetts Bay in New England, considering the necessity of granting a supply of moneys for calling in the sum of twenty-two thousand pounds granted unto her late majesty, by bills emitted, at their several sessions *annis* 1712† and 1713.‡ to be levied and collected in this present year, of which the dutys of impost and excise and tunnage of shipping were to be a fund and security; have cheerfully and unanimously given and granted, and do hereby give and grant, unto his most excellent majesty, to the ends, use and intent aforesd, and for no other use, the several dutys of impost upon wines, liquors, goods, wares and merchandize that shall be imported into this province, and tunnage of shipping hereafter mentioned and expressed, for calling in the sum of four thousand pounds, part of the twenty-two thousand pounds abovementioned; and pray that it may be enacted,—

Disallowed by the privy council, May 26, 1719.\*

\* For the reasons for disallowance, see the note to this chapter, *post*.

† NOTES to 1712-13, resolves (b), (c.)

‡ NOTES to 1713-14, resolves (a), (b.)

*And be it accordingly enacted by His Excellency the Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

[SECT. 1.] That after the publication of this act there shall be paid by the importer of all wines, liquors, goods, wares and merchandize that shall be imported into this province from the place of their growth (salt, cotton-wool, provisions and every other thing of the growth and produce of New England excepted), the several rates and duties of impost following; vizt.,—

For every pipe of common wine from the Western Islands, fifteen shillings.

For every pipe of Canary, twenty-five shillings.

For every pipe of Madera or Passada, twenty-five shillings.

For every pipe of other sorts not mentioned, fifteen shillings.

For every hogshead of rum, containing one hundred gallons, fifteen shillings.

For every gallon of rum or other spirits distilled, one penny per gallon.

For every hundred pounds sterling in English merchandize, prime cost, twenty shillings.

For every hogshead of sugar, two shillings.

For every hogshead of molasses, one shilling.

For every hogshead of tobacco, two shillings and sixpence.

For every tun of logwood, three shillings.

And so proportionably for greater or lesser quantities.

For all other commoditys, goods or merchandize not mentioned or excepted, one penny for every twenty shillings value.

[SECT. 2.] And for any of the above wines, liquors, goods, wares, merchandize, etc., that shall be imported into this province from any other ports than the places of their growth and produce, there shall be paid by the importer double the value of impost appointed by this act to be received for every species abovementioned, unless they do *bona fide* belong to the inhabitants of this province and come upon their risque from the port of their growth.

*And be it further enacted by the authority aforesaid,*

[SECT. 3.] That all the aforesd. imposts, rates and duties shall be paid in current money, or in the bills of credit of this province, by the importer of any wines, liquors, goods or merchandize, unto the commissioner and receiver to be appointed as is hereinafter directed for entring and receiving of the same, at or before the landing of any wines, liquors, goods or merchandize: only the commissioner or receiver is hereby allowed to give credit to such person or persons where his or their duty of impost in one ship or vessel doth exceed the sum of ten pounds. And in case where the commissioner or receiver shall give credit he shall settle and ballance his accompts with every person so that the same accompts may be ready to present to this court in May next, and all entries where the impost or duty to be paid doth not exceed four shillings shall be made without charge to the importer, and not more than sixpence to be paid for any other single entry to what value soever.

*And be it further enacted by the authority aforesd.,*

[SECT. 4.] That all masters of ships or other vessels coming into any harbour or port within this province, from beyond sea or from any other province or colony, before bulk be broken and within twenty-four hours after his arrival in such harbour or port, shall make a report to the commissioner or receiver of the impost, to be appointed as hereafter mentioned, of the contents of the lading of such ship or vessel, without any charge or fee to be demanded or paid for the same; which report such master shall give in to the said commissioner or receiver, under

his hand, and shall therein set down and express the quantities and species of the wines, liquors, goods and merchandizes laden on such ship or vessel, with the marks and numbers thereof, and to whom the same is consigned, and also make oath that the said report or manifest of the contents of his lading, so to be by him given in under his hand as aforesd., contains a just and true account, to the best of his knowledge, of the whole lading taken on board and imported in the said vessel from the port or ports such vessel came from, and that he hath not broken bulk nor delivered any of the wines, rum or other distilled liquors or merchandize laden on said ship or vessel, directly or indirectly, and that if he shall know of any more wines, liquors, goods or merchandize to be imported therein, before the landing thereof, he will cause it to be added to his manifest; which manifest shall be agreeable to a printed form made for that purpose, wherein shall be a column for the sterling value of the English merchandize, which is to be filled up by the said commissioner or receiver according to each particular person's entry; which oath the commissioner or receiver is hereby impowred to administer, after which such master may unload, and not before, on pain of one hundred pounds to be forfeited and paid by each master that shall neglect his duty in this behalf.

*And be it further enacted by the authority aforesaid,*

[SECT. 5.] That all merchants, factors or other persons, importers, being owners of or having any of the wines, liquors, goods or merchandizes consigned to them that by this act are lyable to pay impost or duty, shall by themselves or order make entry thereof in writing under their hands, with the said commissioner or receiver, and produce unto him the original invoice of all such goods as pay *ad valorem*, and make oath thereto in manner following:—

You, A. B., do swear that the entry of the goods and merchandizes by you now made contains the true value, agreeable to the original invoice herewith exhibited, and that, according to your best skill and judgment, is not less than the real cost thereof. So help you God.

—and pay the duty and impost by this act required, before such wines, liquors, goods, wares or merchandize be landed or taken out of the vessel in which the same shall be imported, on pain of forfeiting all such wines, liquors, goods, wares or merchandize so landed or taken out of the vessel in which the same shall be imported.

[SECT. 6.] And no wines, liquors, goods, wares or merchandizes that by this act are lyable to pay impost or duty, shall be landed on any wharff, or into any warehouse or other place, but in the day-time only, and that after sunrise and before sunset, unless in the presence of and with the consent of the commissioner or receiver, on pain of forfeiting all such wines, liquors, goods, wares and merchandize, and the lighter, boat or vessel out of which the same shall be landed or put into any warehouse or other place; which abovesd. oath the commissioner or receiver is hereby impowred to administer.

[SECT. 7.] And if any person or persons shall not have and produce an invoice of the quantities of the rum or liquors to him or them consigned, then the case wherein the same is shall be gaged at the charge of the importer that the quantity thereof may be known.

*And be it further enacted by the authority aforesaid,*

[SECT. 8.] That every merchant or other person importing any wines into this province shall be allowed twelve per cent for leakage, provided such wines have not been filled up on board, and that every hogshead, butt, or pipe of wine that hath two thirds parts thereof leaked out shall be accounted for outts, and the merchant or importer to pay no duty for the same; and no master of any ship or vessel shall suffer any

wines to be filled up on board without giving a certificate of the quantity so filled, under his hand, before the landing thereof, to the commissioner or receiver of the impost in such port, on pain of forfeiting the sum of fifty pounds.

[SECT. 9.] And if it be made appear that any wines imported in any ship or vessel be decayed at the time of unlading thereof, or in twenty days afterwards, oath being made before the commissioner or receiver that the same hath not been landed above that time, the dutys and impost paid for such wine shall be repaid unto the importer thereof.

*And be it further enacted by the authority aforesd.,*

[SECT. 10.] That the master of any ship or vessel importing any wines, liquors, goods, wares or merchandize shall be lyable to and shall pay the impost for such and so much thereof contained in his manifest as shall not be duly entred, and the duty paid for the same by the person or persons to whom such wines, liquors, goods, wares or merchandizes are or shall be consigned. And it shall and may be lawful to and for the master of every ship or other vessel to secure and detain in his hands, at the owner's risque, all such wines, liquors, goods, wares or merchandizes imported in such ship or vessel until he shall receive a certificate from the commissioner or receiver of the impost that the duty for the same is paid, and until he be repaid his necessary charges in securing the same; or such master may deliver such wines, liquors, goods, wares or merchandize as are not entred, unto the commissioner or receiver of the impost in such port, or his order, who is hereby impowred and directed to receive and keep the same at the owner's risque until the impost thereof, with charges, be paid, and then to deliver such wines, liquors, goods, wares or merchandize as such master shall direct.

*And be it further enacted by the authority aforesd.,*

[SECT. 11.] That the commissioner or receiver of the impost in each port shall be and hereby is impowred to sue the master of any ship or vessel for the impost or duty, for so much of the lading of wines, liquors, goods, wares and merchandize, imported therein according to the manifest by him to be given, upon oath as aforesd., as shall remain not entred and the duty or impost thereof not paid; and where the goods, wares or merchandizes are such as that the value thereof is not known, whereby the impost to be recovered of the master for the same cannot be ascertained, the owner or person to whom such goods, wares or merchandizes are or shall be consigned shall be summoned to appear as an evidence, at the court where suit for the impost and duty thereof shall be brought, and be there required to make oath to the value of such goods, wares or merchandizes.

*And be it further enacted by the authority aforesd.,*

[SECT. 12.] That the ship or vessel, with her tackle, apparel and furniture, the master of which shall make default in anything by this act required to be performed by him, shall be lyable to answer and make good the sum or sums forfeited by such master according to this act, for any such default, as also to make good the impost or duty for any wines, liquors, goods, wares or merchandizes not entred as aforesd.; and upon judgment recovered against such master, the said ship or vessel, or so much of the tackle or appurtenances thereof as shall be sufficient to satisfy said judgment, may be taken in execution for the same; and the commissioner or receiver of the impost is hereby impowred to make seizure of such ship or vessel, and detain the same under seizure until judgment be given in any suit to be commenced and prosecuted for any of the said forfeitures or impost, to the intent that if judgment be rendred for the prosecutor or informer, such ship or vessel's appurces may be exposed for satisfaction thereof as is before provided, unless the owners, or some on their behalf, for the releasing of such ship



or vessel from under seizure or restraint, shall give sufficient security to the commissioner or receiver of the impost that seized the same, to respond and satisfy the sum or value of the forfeiture and duties, with charges, that shall be recovered against the master thereof upon suit to be brought for the same as afores'd; and the master occasioning such loss and damage unto his owners thro' his default or neglect shall be liable unto their action for the same.

*And be it further enacted,*

[SECT. 13.] That the naval officer within any of the ports of this province shall not clear or give passes to any master of any ship or other vessel, outward bound, until he shall be certified, by the commissioner or receiver of the impost, that the duties and impost for the goods last imported in such ship or vessel are paid or secured to be paid. And the commissioner or receiver of the impost is hereby impowred to allow bills of store to the master of any ship or vessel importing any wines or liquors, for such private adventures as shall belong to the master and seamen of such ship or other vessel, at the discretion of the commissioner or receiver, not exceeding three per cent of the lading; and duties payable by this act, for such wines or liquors, in such bills of store mentioned and expressed, shall be abated.

*And be it further enacted by the authority aforesaid,*

[SECT. 14.] That all penalties and forfeitures accruing or arising by virtue of this act, shall be one-half to his majesty for the uses and intents for which the aforementioned duties of impost are granted, and the other half to him or them that shall seize, inform and sue for the same by action, bill, plaint or information, in any of his majesty's courts of record, wherein no essoign, protection or wager of law shall be allowed; the whole charge of prosecution to be taken out of the half belonging to the informer.

*And be it further enacted by the authority aforesd.,*

[SECT. 15.] That there shall be paid by the master of every ship or other vessel coming into any port or ports in this province to trade or traffick, whereof all the owners are not belonging to this province, except such vessels as belong to the provinces or colonies of Pensilvania, West and East Jersey, New York, Connecticut or Rhode Island, every voyage such ship or vessel does make, the sum of eighteen pence per tun, or one pound of good new gunpowder, for every tun such ship or vessel is in burthen (saving for that part which is owned in this province, or any of the aforesd. governments, which is hereby exempted), to be paid unto the commissioner or receiver of the duties of impost, and to be employed for the ends and uses aforesaid.

[SECT. 16.] And the said commissioner is hereby impowred to appoint a meet and suitable person to repair unto and on board any ship or vessel, to take the exact measure or tunnage thereof, in case he shall suspect that the register of such ship or vessel doth not express and set forth the full burthen of the same; the charge thereof to be paid by the master or owner of such ship or vessel, before she be cleared, in case she appear to be of greater burthen, otherwise, to be paid by the commissioner out of the moneys received by him for impost, and shall be allowed him accordingly by the treasurer in his accompts; and the naval officer shall not clear any vessel until he be also certified by the said commissioner, that the duty of tunnage for the same is paid, or that it is such a vessel for which none is payable, according to this act.

*And be it further enacted by the authority aforesd.,*

[SECT. 17.] That there be one fit person, and no more, nominated and appointed by this court, as a commissioner and receiver of the aforesd. duties of impost and tunnage of shipping, and for the inspection, care and management of the said office, and whatsoever relates thereunto;

to receive commission for the same from the governour or commander-in-chief for the time being, with authority to substitute and appoint a deputy receiver in each port besides that wherein he resides, and to grant warrants to such deputy receivers for their said place, and to collect and receive the impost and tunnage of shipping aforesd., that shall become due within such port, and to render the accompts thereof and pay in the same to the said commissioner and receiver; which said commissioner and receiver shall keep fair books of all entrys and dutys arising by virtue of this act, also, a particular accompt of every vessel, so that the dutys, impost and tunnage arising on the said vessel may appear; and the same to lye open at all seasonable times to the view and perusal of the treasurer and receiver-general of this province, or any other person or persons whom this court shall appoint, with whom he shall account for all collections and payments, and pay in all such moneys as shall be in his hands, as the treasurer or receiver shall demand it. And the said commissioner and receiver, and his deputy and deputys, before their entring upon the execution of the said office, shall be sworn to deal truly and faithfully therein, and shall attend in the office from nine to twelve of the clock in the forenoon, and from two to five of the clock afternoon.

[SECT. 18.] And the said commissioner or receiver, for his labour, care and expences in the said office, shall have and receive out of the province treasury the sum of seventy pounds per annum; and his deputy or deputys to be paid for their service such sum and sums as the said commissioner and receiver, with the treasurer, shall agree, upon reasonable terms, not exceeding thirty pounds each. And the treasurer is hereby ordered, in passing and receiving the said commissioner's accompt, accordingly to allow the payment of such salary or salaries, as aforesd., to himself and his deputy or deputys.

*Provided,*

[SECT. 19.] That this act shall continue in force from the publication thereof until the twenty-ninth day of June, which will be in the year of our Lord one thousand seven hundred and nineteen, and no longer. [*Passed and published June 28.*]

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## CHAPTER 13.

### AN ACT FOR APPORTIONING AND ASSESSING A TAX OF EIGHT THOUSAND TWO HUNDRED AND FIFTY POUNDS UPON POLLS AND ESTATES.

WHEREAS, the great and general court or assembly of the province of Massachusetts Bay in New England, at their several sessions in the years 1712 and 1713, did pass four several grants of taxes on polls and estates, as funds and security for the repayment and drawing in several sums in the bills of credit on this province, ordered to be imprinted, repeated and issued out of the publick treasury for the service of the governm<sup>t</sup>; that is to say, at their sessions, begun and held the twenty-second day of October, 1712,\* three thousand pounds; at their sessions, held the eighteenth day of March, 1712,† six thousand pounds; at their sessions, begun and held the twenty-seventh day of May, 1713,‡ seven thousand pounds; at their sessions, held the fourteenth day of October, 1713,§ six thousand pounds; applied to the ends and uses in the said grants particularly enumerated and expressed: and by the resolves of the court that made the aforesaid grants, it was then ordered that the

\* NOTES to 1712-13, resolve (b.)

† *Ibid.*, resolve (c.)

‡ NOTES to 1713-14, resolve (a.)

§ *Ibid.*, resolve (b.)



said sum of twenty-two thousand pounds should be apportioned, assessed and levied on polls and estates, both real and personal, within this province, according to such rules and in such proportion, upon the several towns and districts within the same, as shall be agreed on and ordered by this court in their present session; wherefore, for the ordering, directing and perfecting the said sum of eight thousand two hundred and fifty pounds, which, with the sum of thirteen thousand seven hundred and fifty pounds by the duties of impost and tunnage of shipping and excise, together with the income of the bills lent out, and the lighthouse, will make the sum of twenty-two thousand pounds, pursuant to the funds and grants aforesaid, which is unanimously approved, ratified and confirmed, we, his majesty's loyal and dutiful subjects, the representatives in general court assembled, pray that it be enacted.—

*And be it accordingly enacted by His Excellency the Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

[SECT. 1.] That each town or district within this province be assessed and pay, as such town and district's proportion of the aforesaid eight thousand two hundred and fifty pounds, the sum following; that is to say,—

## IN THE COUNTY OF SUFFOLK.

Boston, one thousand two hundred ninety-eight pounds sixteen shillings and fivepence, . . . . .	£1,298 16s. 5d.
Roxbury, ninety-seven pounds ten shillings, . . . . .	97 10 0
Dorchester, one hundred thirty-five pounds eighteen shillings and fivepence, . . . . .	135 18 5
Hingham, ninety-nine pounds fourteen shillings and fivepence, . . . . .	99 14 5
Brantrey, ninety-nine pounds fourteen shillings and fivepence, . . . . .	99 14 5
Dedham, seventy-six pounds fourteen shillings and elevenpence, . . . . .	76 14 11
Medfield, forty-eight pounds twelve shillings and threepence, . . . . .	48 12 3
Medway, twenty-four pounds thirteen shillings and eightpence, . . . . .	24 13 8
Weymouth, sixty-one pounds fourteen shillings and sixpence, . . . . .	61 14 6
Milton, forty-six pounds eight shillings and fivepence, . . . . .	46 8 5
Hull, twenty-seven pounds two shillings, . . . . .	27 2 0
Wrentham, forty-four pounds eighteen shillings and a penny, . . . . .	44 18 1
Mendon, fifty-two pounds seven shillings and tenpence, . . . . .	52 7 10
Woodstock, forty pounds eighteen shillings elevenpence, . . . . .	40 18 11
Brooklin, thirty-three pounds thirteen shillings and twopence, . . . . .	33 13 2
Needham, twenty-three pounds four shillings and a penny, . . . . .	23 4 1
Oxford, five pounds, . . . . .	5 0 0

## IN THE COUNTY OF ESSEX.

Salem, two hundred sixty-nine pounds six shillings and ninepence, . . . . .	269 6 9
Ipswich, two hundred ninety-nine pounds five shillings, . . . . .	299 5 0
Newbury, two hundred thirty-two pounds twelve shillings and fivepence, . . . . .	232 12 5

Marblehead, two hundred and six pounds sixteen shillings and threepence, . . . . .	£206 16s. 3d.
Lynn, one hundred and four pounds fifteen shillings and fivepence, . . . . .	104 15 5
Andover, one hundred and seventeen pounds eight shillings and elevenpence, . . . . .	117 8 11
Beverly, one hundred pounds five shillings and threepence, . . . . .	100 5 3
Rowly, seventy-seven pounds seven shillings and twopence, . . . . .	77 7 2
Salisbury, seventy-four pounds fifteen shillings and tenpence . . . . .	74 15 10
Haverhill, one hundred pounds three shillings and tenpence, . . . . .	100 3 10
Gloucester, one hundred and twelve pounds four shillings and tenpence, . . . . .	112 4 10
Topsfield, fifty-six pounds seventeen shillings and ninepence, . . . . .	56 17 9
Boxford, forty-seven pounds eight shillings and tenpence, . . . . .	47 8 10
Amesbury, seventy-one pounds sixteen shillings and fivepence, . . . . .	71 16 5
Bradford, forty-nine pounds fifteen shillings and eightpence, . . . . .	49 15 8
Wenham, forty-five pounds twelve shillings and twopence, . . . . .	45 12 2
Manchester, fourteen pounds nineteen shillings and threepence, . . . . .	14 19 3

## IN THE COUNTY OF MIDDLESEX.

Cambridge, seventy-four pounds sixteen shillings and fivepence, . . . . .	74 16 5
Charlestown, one hundred eighty-four pounds four shillings and eightpence, . . . . .	184 4 8
Watertown, ninety-seven pounds five shillings and fourpence, . . . . .	97 5 4
Weston, twenty-nine pounds three shillings, . . . . .	29 3 3
Concord, one hundred fourteen pounds eleven shillings and sixpence, . . . . .	114 11 6
Woburn, one hundred and eight pounds two shillings and twopence, . . . . .	108 2 2
Reading, seventy-four pounds fifteen shillings, . . . . .	74 15 0
Sudbury, eighty-three pounds one shilling and eightpence, . . . . .	83 1 8
Marlborough and Westborough, one hundred and two pounds two shills., . . . . .	102 2 0
Lexington, fifty-five pounds and sixpence, . . . . .	55 0 6
Newtown, sixty-two pounds nine shillings and threepence, . . . . .	62 9 3
Malden, fifty-seven pounds four shillings and tenpence, . . . . .	57 4 10
Chelmsford, sixty-five pounds two shillings and threepence, . . . . .	65 2 3
Billerica, sixty-eight pounds thirteen shillings and threepence, . . . . .	68 13 3
Sherburn, forty-four pounds three shillings and threepence, . . . . .	44 3 3
Groton, forty-seven pounds nine shillings and fourpence, . . . . .	47 9 4

Lancaster, forty-seven pounds nine shillings and five-pence, . . . . .	£47	9s.	5d.
Framingham, fifty-three pounds seventeen shillings and fourpence, . . . . .	53	17	4
Medford, twenty-six pounds eighteen shillings and ninepence, . . . . .	26	18	9
Stow, thirty-two pounds eighteen shillings and ninepence, . . . . .	32	18	9
Dunstable, sixteen pounds sixteen shillings and sixpence, . . . . .	16	16	6
Dracut, thirteen pounds and sixpence, . . . . .	13	0	6

## IN THE COUNTY OF HAMPSHIRE.

Springfield, one hundred and eight pounds one shilling and sixpence, . . . . .	108	1	6
Northampton, seventy-four pounds seventeen shillings and fourpence, . . . . .	74	17	4
Hadley, fifty-three pounds sixteen shillings and eightpence, . . . . .	53	16	8
Hatfield, forty-one pounds two shillings and ninepence, . . . . .	41	2	9
Westfield, forty-one pounds two shillings and ninepence, . . . . .	41	2	9
Sutfield, forty-one pounds two shillings and twopence, . . . . .	41	2	2
Enfield, thirty-four pounds and fivepence, . . . . .	34	0	5
Deerfield, fourteen pounds nineteen shillings and fivepence, . . . . .	14	19	5

## IN THE COUNTY OF PLYMOUTH.

Plymouth, seventy-eight pounds eighteen shillings and sevenpence, . . . . .	78	18	7
Plymton, forty-seven pounds ten shillings and sevenpence, . . . . .	47	10	7
Situate, one hundred twenty-eight pounds fourteen shillings and eightpence, . . . . .	128	14	8
Bridgewater, one hundred and four pounds and sixpence, . . . . .	104	0	6
Marshfield, sixty-nine pounds one shilling, . . . . .	69	1	0
Pembroke, twenty-nine pounds eighteen shillings and ninepence, . . . . .	29	18	9
Duxbury, thirty-eight pounds three shillings and sixpence, . . . . .	38	3	6
Middleborough, forty-seven pounds seventeen shillings and fivepence, . . . . .	47	17	5
Rochester, forty-four pounds seventeen shillings and eightpence, . . . . .	44	17	8
Abbingdon, eleven pounds five shillings and fivepence, . . . . .	11	5	5

## IN THE COUNTY OF BARNSTABLE.

Barnstable, one hundred and nine pounds nineteen shillings and sixpence, . . . . .	109	19	6
Eastham, seventy-seven pounds six shillings and elevenpence, . . . . .	77	6	11
Truro, thirty-five pounds seventeen shillings and ninepence, . . . . .	35	17	9
Sandwich, seventy-four pounds sixteen shillings and fivepence, . . . . .	74	16	5
Yarmouth, sixty-eight pounds nine shillings and one penny, . . . . .	68	9	1

Harwich, forty-two pounds five shillings, . . . . .	£42	5s.	0d.
Falmouth, twenty pounds twelve shillings and ninepence, . . . . .	20	12	9
Chatham, twenty-one pounds thirteen shillings and sixpence, . . . . .	21	13	6

## IN THE COUNTY OF BRISTOL.

Bristol, sixty-eight pounds one shilling and sixpence, . . . . .	68	1	6
Taunton, ninety-two pounds and two shillings, . . . . .	92	2	0
Norton, with the east end of North Purchase, twenty-seven pounds fourteen shillings, . . . . .	27	14	0
Dartmouth, one hundred thirty-three pounds one shilling and eightpence, . . . . .	133	1	8
Dighton, thirty-two pounds eighteen shillings and ninepence, . . . . .	32	18	9
Rehoboth, ninety-two pounds and threepence, . . . . .	92	0	3
Little Compton, sixty-nine pounds eleven shillings and tenpence, . . . . .	69	11	10
Swansey and Barrington, eighty-five pounds and seven shillings, . . . . .	85	7	0
Tiverton, seventy-one pounds twelve shillings and threepence, . . . . .	71	12	3
Freetown, twenty-seven pounds thirteen shillings and fourpence, . . . . .	27	13	4
Attleborough, thirty-seven pounds eight shillings and threepence, . . . . .	37	8	3

## IN DUKES COUNTY.

Edgartown, thirty-three pounds six shillings and eightpence, . . . . .	33	6	8
Chilmark, thirty-three pounds six shillings and eightpence, . . . . .	33	6	8
Tisbury, thirteen pounds sixteen shillings and twopence, . . . . .	13	16	2

## IN THE COUNTY OF YORK.

York, forty-four pounds seventeen shillings and ninepence, . . . . .	44	17	9
Kittery, fifty-six pounds two shillings and fivepence, . . . . .	56	2	5
Berwick, thirty-one pounds and sixpence, . . . . .	31	0	6
Wells, twenty-six pounds and twopence, . . . . .	26	0	2
Nantucket, one hundred forty-eight pounds sixteen shillings and a penny, . . . . .	148	16	1

*And be it further enacted by the authority aforesaid,*

[SECT. 2.] That the treasurer do forthwith send out his warrants, directed to the selectmen or assessors of each town or district within this province, requiring them respectively to assess the sum hereby set upon such town and district, in manner following; that is to say, to assess all ratable male poles, above the age of sixteen years, at three shillings and ninepence the poll (except the governour and lieutenant-governour and their families, the president, fellows and students of Harvard College, settled ministers and grammar-school masters, who are hereby exempted, as well from being taxed for their polls as for their estates, being in their own hand, and under their actual management and improvement); and other persons (if such there be), who thro' age, infirmity or extream poverty, in the judgment of the assessors, are not

capable to pay towards publick charges, they may except their polls and so much of their estates as in their prudence they shall think fit and judge meet; and all estates, both real and personal, lying within the limits and bounds of such town or district, or next unto the same, not paying elsewhere, in whose hand, tenure, occupation or possession soever the same is or shall be found, and income by any trade or faculty, which any person or persons (except as before excepted) do or shall exercise in gaining by monies or other estate, not particularly otherwise assessed, or commissions of profit in their improvement, according to their understanding and cunning, at one penny on the pound; and to abate or multiply the same, if need be, so as to make up the sum hereby set and ordered for such town or district to pay; and in making their assessment, to estimate houses and lands at six years' income of the yearly rents whereat they may be reasonably set or let for in the places where they lye (saving all contracts betwixt landlord and tenant; and where no such contract is, the landlord to reimburse one-half of the tax set upon such houses and lands); and to estimate Indian, negro and molatto servants proportionably as other personal estate, according to their sound judgment and discretion; as also to estimate every ox of four years old and upwards, at forty shillings; every cow of three years old and upwards, at thirty shillings; every horse and mare of three years old and upwards, at forty shillings; every swine of one year old and upward, at eight shillings; every sheep and goat of one year old and upwards, at four shillings; likewise requiring the assessors to make a fair list of the said assessment, setting forth in distinct columns against each particular person's name, how much he or she is assessed at for polls, and how much for houses and lands, and how much for personal estate and income by trade or faculty.

[SECT. 3.] And the list or lists so perfected and signed by them, or the major part of them, to commit to the collectors, constable or constables of such town or district, and to return a certificate of the name or names of such collector, constable or constables, together with the sum total to each of them respectively committed, unto himself, sometime before the last day of September next.

[SECT. 4.] And the treasurer, for the time being, upon the receipt of such certificate, is hereby impowred and ordered to issue forth his warrants to the collectors, constable or constables of such town or districts, requiring him or them, respectively, to collect the whole of each respective sum assessed on each particular person, before the last day of March next; and of the inhabitants of the town of Boston, to collect their proportion sometime in the month of January aforegoing; and to pay in their collections and issue the accompts of the whole, at or before the last day of May next, which will be in the year of our Lord one thousand seven hundred and nineteen.

*And be it further enacted by the authority aforesaid,*

[SECT. 5.] That the assessors of each town and district, respectively, in convenient time before their making the assessment, shall give seasonable warning to the inhabitants in a town meeting, or by posting up notifications in some place or places in such town or district, or otherwise to notify the inhabitants to give or bring in to the said assessors true and perfect lists of their polls and rateable estate; and if any person or persons shall neglect or refuse so to do, or bring in a false list, it shall be lawful to and for the assessors to assess such person or persons, according to their known ability within such town, in their sound judgment and discretion, their due proportion to this tax, as near as they can, according to the rules herein given, under the penalty of twenty shillings for each person that shall be convicted by legal proof, in the judgment of the assessors, of bringing in a false bill: the

said fine to be for the use of the poor of such town or district where the delinquent lives; to be levied by warrant from the assessors, directed to the collector or constable in manner as is directed for gathering of town assessments, and to be paid in to the town treasurer or selectmen for the use aforesaid: *saving* to the party agrieved at the judgment of the assessors in setting such fine, liberty of appeal therefrom to the court of general sessions of the peace, within the county, for relief, as in case of being overrated.

[SECT. 6.] And if the party be not convicted of any falseness in the list by him presented of polls, rateable estate, and income by any trade or faculty which he doth or shall exercise in gaining, by money or other estate not particularly otherwise assessed, such list shall be a rule for such person's proportion to the tax, which the assessors may not exceed. [*Passed July 5.*]



# ACTS

PASSED AT THE SESSION BEGUN AND HELD AT BOSTON,  
ON THE TWENTY-NINTH DAY OF OCTOBER, A.D. 1718.

## CHAPTER 14.

AN ACT FOR THE PREVENTING OF PERSONS UNDER AGE, APPRENTICES OR SERVANTS, BEING TRANSPORTED OUT OF THE PROVINCE WITHOUT THE CONSENT OF THEIR MASTERS, PARENTS OR GUARDIANS.

WHEREAS it has been complained of, that persons under age, apprentices and servants, within this province, do oftentimes get on board the outward bound vessels, and are there entertained by the masters or mariners, and actually transported to some parts beyond the seas, not only to the great loss and injury of their respective masters, &c., but also to the damage of the province,—

*Be it therefore enacted by His Excellency the Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

That every master of any outward bound ship or vessel that shall hereafter carry or transport out of this province any person under age, or bought or hired servant or apprentice, to any parts beyond the seas, without the consent of such master, parent or guardian, signified in writing, shall forfeit the sum of fifty pounds; the one-half to and for the use of the province, the other half to and for the use of him that shall inform or sue for the same; and be further liable to an action in the law, at the suit of the parent, master or owner of such transported person, for any damages sustained by him or them. [*Passed November 15; published December 6.*]

1694-5, chap. 23

Masters of ships not to carry off any servants or sons under age.

Penalty, fifty pounds.

## CHAPTER 15.

AN ACT FOR THE EASE OF PRISONERS FOR DEBT.

FORASMUCH as, in diverse counties within this province, the prisons are so small that, when there are any number of prisoners, there are not rooms or apartments sufficient for the receiving and securing of them, without lodging felons and other criminals and prisoners for debt together in one and the same room, which ought not to be,—

*Be it therefore declared and enacted by His Excellency the Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

[SECT. 1.] That in the several counties within this province the prisons that are or shall be erected within the said counties, shall be made so large as that there may and shall be sufficient and convenient apartments for the receiving and lodging prisoners for debt separate and distinct from felons and other criminals.

See 1705 6, chap. 1.

Prisons to have apartments for prisoners for debt.

*And be it further enacted by the authority aforesaid,*

Prisoners for debt allowed to lodge in the prison-keeper's house, &c.

[SECT. 2.] That any person imprisoned for debt, either upon mean process or execution, shall be permitted and allowed to have a chamber and lodging in any of the housing or apartments belonging to such prison, and liberty of the yard within the same in the day-time, but not to pass without the limits of the prison, upon reasonable payment to be made for chamber-room, not exceeding one shilling and sixpence per week, such prisoner giving bond to the sheriff[e] with two sufficient sureties, being freeholders, bound jointly and severally in double the sum for which he is imprisoned, with condition under-written in form following; viz.,—

Recognizance.

That if the above-bounden A. B., now prisoner in his majest[y]'[ie]'s prison in B., within the county of S., at the suit of C. D., do and shall from henceforth be and continue a true prisoner in the custody, guard and safe keeping of J. S., keeper of the same prison, and in the custody, guard and safe keeping of his deputy, officers and servants, or some or one of them within the limits of the said prison, until he shall be lawfully discharged, without committing any manner of escape or escapes during the time of his restraint; then this present obligation to be void, or else to abide in full force and virtue.

Upon prisoner's escape, bond to be assigned to the creditor.

[SECT. 3.] And in case of an escape, the whole penalty of such bond, without chancery, shall be to and for the use of the creditor, and shall be transferred and assigned over to the creditor, by the sheriff, with full power to enable him to put the same in suit, and recover the sum therein expressed; and the sheriff delivering up such bond to the creditor so assigned, as aforesaid, shall not be liable to any action of escape for any prisoner enlarged upon security given in manner as aforesaid.

Proviso.

*Provided alwa[y]'[ie]'s,*  
[SECT. 4.] That the sureties be approved as sufficient by the justices of that court before whom the cause upon such commitment is to be tried, or from whence execution issued, or any two of them, or by two justices of the county, *quorum unus*, where the debtor is imprisoned, and no other sureties to be accepted; and,—

[SECT. 5.] That this act shall continue and be in force until the expiration of three years from the publication hereof, and no longer.  
[Passed November 19; published December 6.]

## CHAPTER 16.

### AN ACT FOR PREVENTING DECEIT IN THE GAGE OF CASK.

1692-3, chap. 49.

WHEREAS his majesty's good subjects within this province are greatly prejudiced in the make and measure of their cask, and particularly those of rum and molasses; inasmuch as the hogsheds and cask which ought to answer the gage by the rod, have been proved, and upon tryal in their drawing off, there hath been wanting seven or eight gallons, and sometimes more, in an hogshhead, which persons are obliged to pay for more than they really receive; for remedy whereof,—

*Be it enacted by His Excellency the Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

Rum and molasses casks to be gaged mathematically.

[SECT. 1.] That all rum and molasses, in cask of all sorts, from a barrel and upwards, that shall be exposed to sale, be mathematically gaged by Gunter scale, and the quantity said cask can contain, being full, to be set and marked on one head by the gager, with a marking iron; and the said gager shall demand and receive of the owner or owners of such rum or molasses, sixpence for every cask by him gaged, as aforesaid, and no more.

*And be it further enacted,*

[SECT. 2.] That the justices of the peace, at their first general quarter sessions after the publication of this act, to be holden in each respective county in this province, and afterwards, yearly, shall in every town needful thereof, choose and appoint a fit person or persons to be gager or gagers; and also swear them to the due execution of their office; which form of oath hereunder-written is hereby established to be given and administr'd unto the said gager or gagers as followeth; viz.,—

Quarter sessions to choose gaugers.

You, A. B., being appointed a gager according to law, do swear that you will from time to time diligently and faithfully discharge and execute the office of a gager, within the limits whereto you are appointed, for the ensuing year, and until another be chosen and sworn in your place; and that by and in all the particulars mentioned in the law whereto your office hath relation, you will do therein impartially without fear or favour. So help you God.

Gauger's oath.

[SECT. 3.] And every person or persons who shall presume to sell any rum or molasses any otherwise than by being gaged, as this act directs, and having the gager's mark upon it, shall forfeit and pay for every cask by him or them sold contrary to the true intent and meaning of this act, the sum of five pounds; one-half to the poor of the town where the offence is committed, and the other half to the informer who shall inform or sue for the same before any of his majesty's justices of the peace, or in any of his majesty's courts of record within this province; any law, usage or custom to the contrary notwithstanding.

Penalty for selling without being gauged, &c.

*Provided,*

[SECT. 4.] That this act take place from and after the first day of April next, and continue in force until the sessions of this court in May, one thousand seven hundred and twenty-two, and no longer. [*Passed December 4.*]

Limitation.

## CHAPTER 17.

AN ACT PROHIBITING THE BILLS OF CREDIT ON THIS PROVINCE, SIGNED BY THREE HANDS ONLY, TO PASS FROM MAN TO MAN, OR HAVE ANY FURTHER CURRENCY, AFTER THE TIME HEREIN LIMITED.

WHEREAS, notwithstanding the law made at a session of this court in February last past, for calling in of province bills of credit outstanding, of former plates, signed by three hands only, it appears by the treasurer's books there are yet outstanding at least fifteen thousand pounds in such bills; and forasmuch as this court at their present session have ordered that the sum of fifteen thousand pounds in bills of credit be forthwith made and put into the treasurer's hands, for exchanging the said bills signed by three hands only,—

1717-18, chap. 15.

*Be it therefore enacted by His Excellency the Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

[SECT. 1.] That from and after the first day of April next ensuing, no person presume in any private payment to put off or pay any of the said bills signed by three hands only.

And as a further expedient for bringing in the said bills, signed as aforesaid, by three hands only,—

Bills with three hands not to pass in private payments after first of April.

Treasurer to receive bills with three hands in public payments till the end of May session.

[SECT. 2.] The treasurer is hereby directed and impowered to receive in all such bills, provided they are not counterfeit, of and from the trustees for the loan of the fifty thousand pounds, and from the commissioners for the loan of the hundred thousand pounds, in the respective counties, and from the commissioner of impost, and from the commissioners of the excise, and of all constables and other receivers subordinate to him; provided such payments be made at any time before the end of the sessions of this court in May next; any law, usage or custom to the contrary notwithstanding. [*Passed December 3; published December 6.*]

## CHAPTER 18.

AN ACT FOR THE FURTHER CONTINUING AN ACT ENTITLED "AN ACT TO PREVENT THE UNNECESSARY JOURNEYING OF REPRESENTATIVES," MADE IN THE SECOND YEAR OF THE REIGN OF KING GEORGE.

*Be it enacted by His Excellency the Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

That the said act, and all and singular the paragraphs, clauses, articles, directions and powers therein contained, be, and hereby are re-enacted and directed to abide and remain in force, and accordingly to be exercised, practiced and put in execution until the twentieth day of November, *anno Domini* one thousand seven hundred twenty and one, and no longer; any law, usage or custom to the contrary notwithstanding. [*Passed November 7; published December 6.*]

1715-16, chap. 21.

## CHAPTER 19.

AN ACT FOR CONSTITUTING A SPECIAL COURT OF OYER AND TERMINER IN [IN] AND FOR THE COUNTY OF HAMPSHIRE.

WHEREAS one Ovid, *alias* Obed, Ruchbrock, labourer, a prisoner in the common goal for said county, stands charged with counterfeiting the public bills of credit of this province and the colony of Connecticut, and to be tryed for the said fact at the next court of assize and general goal delivery to be holden in and for the said county; but forasmuch as it is now more than nine months before the said court of assize, &c., will sit in the said county, according to its time stated by law, and a great charge may probably arise to the said county in keeping the said Ruchbrock so long in prison,—

1717-18, chap. 8.

*Be it therefore enacted by His Excellency the Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

[SECT. 1.] That there shall be a special court of oyer and terminer holden at North Hampton, in and for said county, for the tryal of the said Ovid, *alias* Obed, Ruchbrock, referring to his counterfeiting the public bills of credit as aforesaid, on the third Tuesday of December next, before such judges or justices as his excellency the governour, and council, shall appoint; the clerk of the peace of the said county of Hampshire to be the clerk of the said special court of oyer and terminer, and accordingly to cause *venires* to be issued forth for the summoning of jurors for such court out of the several towns as usual for the stated court; and the justices so appointed are to do what else shall be requisite to be had for said tryal, according to the power granted to the

justices of assize and general goal delivery, in and by the act for establishing a superiour court of judicature, court of assize and general goal delivery.

And whereas there was a bill of indictment found against the said prisoner at the court of assize, &c., held at Springfield, for the said county, on the third Tuesday of September last, for counterfeiting the public bills of credit, as aforesaid, and filed with the clerk of the said court,—

[SECT. 2.] The clerk of the superiour court is hereby directed to transmit the original bill of indictment against the said prisoner to the court to be appointed by this act, and the said Ovid, *alias* Obed, Ruchbrock to be arraigned and tryed upon the said bill of indictment already found against him; any law, usage or custom to the contrary notwithstanding. [*Passed November 27; published December 6.*]

NOTES.—There were three sessions of the General Court this year; but no acts were passed at the third session, which began March 11, 1718-19, and was prorogued, the next day, to April 22, but dissolved, by proclamation, April 11, 1719.

The enclosures of all the acts of this year are preserved, except of chapters 3, 13 and 16; and all were included in the printed sessions acts, except chapters 12, 13 and 19: one of these, at least—chapter 13—was printed separately.

The following are the titles of the private acts passed this year:—

“An Act for the Reviving a Bill filed by Richard and Hephzibah Coomes in His Majesty's Superiour Court of Judicature &c<sup>a</sup> for their Right or Equity of Redemption of a Mortgage made by Joseph Newell their Father, of his Farm and Land in Roxbury in the County of Suffolk to Florence Maccarty late of Boston, Victualler, deceased.”—[*Passed June 19.*]

“An Act to enable Thomas Harvy of Taunton in the County of Bristol, Yeoman, to bring forward his Appeal at the Superiour Court next to be holden at Bristol, within and for the County of Bristol from a Judgement of the Inferiour Court of Common Pleas held at Bristol the second Tuesday of April 1717, in a Plea of Trespass originally commenced by John Godfrey and Joanna his Wife against James Paul.”—[*Passed June 25.*]

“An Act to enable Samuel Fish of Falmouth in the County of Barnstable to file Reasons of Appeal anew and prosecute his appeal to the Superiour Court of Judicature Court of Assize and General Goal Delivery next to be holden at Plymouth for the Counties of Plymouth, Barnstable &c<sup>a</sup> In a Cause between the said Samuel Fish appellant and our Sovereign Lord the King Appellee.”—[*Passed June 28.*]

“An Act to Enable Richard Carr & James Carr of Newbury to bring forward their Appeal at the Superiour Court next to be holden at Salem within and for the County of Essex from a Judgement of the Inferiour Court of Common Pleas held at Newbury for the county of Essex on the last tuesday in September 1717, in an Action of Trespass upon the Case commenced against Edward Sergeant of Newbury.”—[*Passed June 28.*]

“An Act to enable Mary Evans, Wife of Jonathan Evans late of Boston now of Frya Merchant, to mortgage part of Her Estate in Housing & Land which appertain and belong unto her in right of her Father Rob<sup>t</sup> Bronsdon late of said Boston, Merchant, deceased.”—[*Passed July 3.*]

“An Act to Enable Joseph Buckminster, Benjamin Bridges and Jonas Eaton in Behalf of the Town of Frammingham to bring forward an Appeal which failed through a Defect in Reasons of Appeal filed by the said Joseph Buckminster, Benjamin Bridges & Jonas Eaton in Behalf of the said Town.”—[*Passed November 14.*]

Precisely when the acts of the first session were first laid before the Board of Trade does not appear from the copies obtained at the Public Record Office. Chapter 12 was considered by the Board as early as March 6, 1718-19, and was disallowed as shown in the note to that chapter, *post*. On the 23d of April, following, all the acts of the first session, except chapter 12, were transmitted, by the Secretary of the Board, to Mr. West, for his opinion thereon. Mr. West prepared his report June 2, 1719, objecting to chapter 10, as shown in the note to that chapter, *post*. Three days later, Mr. West being present, his report was read and the Board took into consideration all but chapter 12 of the first session, when chapters 1, 2, 3, 4, 5, 6, 7, 8, 11 and 13 were marked, “To lye by. No objection.” Chapter 9 was marked “To be confirmed” and chapter 10 “To be repealed”; and draughts of representations were ordered to be prepared accordingly. The next action of the Board upon the acts of this year appears to have been the consideration of chapter 4, beginning with the petition of Samuel Baker and others, presented to the Board April 25, 1721, as shown in the note to that chapter, *post*. Chapters 1, 2, 3, 5, 6 and 9 were again sent to Mr. West Oct. 15, 1724, together with chapters 14 and 15, passed at the second session. Mr. West made his report May 20, 1725, making no allusion therein to any act of this year except chapter 15. His objection to this last-named act is shown in the note to that chapter hereunder given.

Chap. 4. The following correspondence is deemed sufficiently interesting to warrant its insertion entire. The same course has been pursued with regard to the action of the home government upon chapter 12, *post*.

“WHITEHALL. Tuesday April 25<sup>th</sup> 1721.

Mr Samuel Baker and Mr Samuel Storke with Mr Archibald Cummings attending, presented to the Board a Petition in behalf of themselves and sev<sup>l</sup> other merchants trading to New England, praying That an Act pass'd in y<sup>e</sup> Province of the Massachusetts Bay in 1718, Intituled *An Act for the better regulating the culling of Fish*, may be repeal'd, which peti-



tion was read—And these Gentlemen being ask'd several Questions on this subject, Mr Cummings particularly said, it was a great imposition on the Merchant to restrain the purchasers from culling their own fish That they have always had y<sup>e</sup> liberty of doing it at Newfoundland. And in the Province of the Massachusetts Bay before this Act (in dealings for fish) a Culler was chosen as well by the Buyer as Seller and no Penalty on any Merchant or other Person for culling the fish they bought. It was further alledg'd that the Cullers of Fish in the Massachusetts Bay were Fishermen or the Dependants upon them, and this Act obtain'd by their influence. The Petitioners being further ask'd whether application was not made in the Country against the said Act and why they had not sooner complain'd of it here, the Act having been pass'd near three years and near excluding his Majesty's Repeal without the consent of the Assembly, according to the Massachusetts Charter. They said, there would be no probability of redress in the Massachusetts Bay; And tho' it was a Grievance known by many Merchants here for some time, it was so general, that particular persons had not taken upon to apply against it, and they hop'd it would not now be too late to repeal it.

The Petitioners were then acquainted, that the Board intended to take the said Act and their Pet<sup>n</sup> into further consideration on Thursday morning next; And notice was order'd to be given to Mr Dummer, Agent for the Province of the Massachusetts Bay, to attend at the same time.

—*Public Record Office*: "Trade-papers (Journals)," vol. 25, p. 103.

"WHITEHALL, Thursday, April 27, 1721.

At a Meeting &c Mr Storke, Mr Cummings & other Merchants who signed the Memorial read the 25<sup>th</sup> Instant, against an Act pass'd in the Province of the Massachusetts Bay in 1718, Intituled *An Act for the better regulating the culling of Fish*, attending, as also Mr Dummer, Agent for that Province, the said Act was read and Mr Dummer being acquainted with the substance of the said Memorial, he was ask'd what he had to offer in favour of the Act; Whereupon he said, he had not seen it before but observ'd that the Cullers are thereby under the obligation of an Oath for the faithful and impartial performance of their duty—That there is the like inspection for Pitch, Tar, Turpentine and several other Commodities, All which were intended to advance y<sup>e</sup> Credit of y<sup>e</sup> Commodity; But that Fishermen at New England, who are of the poorer people entering into Articles with Merchants for quantities of fish, it might sometimes be impossible for those Fishermen to comply with their Articles if the Cullers were too nice—To which Mr Storke answered, that y<sup>e</sup> Persons who sell the Fish are some of y<sup>e</sup> Richest and greatest Traders, and procure their servants to be appointed Cullers—That these Cullers have not perform'd their Duty impartially—And he produc'd two letters from his Correspondents at Oporto and Alicant, complaining of y<sup>e</sup> badness of some Cargoes of Fish from New England. Whereupon Mr Dummer reply'd that sometimes when there were great demands for fish at New England, the Masters & others who came to buy, would bid one upon another and take Fish not altogether so good; And if merchantable Fish were not leaden in proper weather, it would spoil;—And Col. Taylor, one of the Council of y<sup>e</sup> Massachusetts Bay being present, was ask'd several Questions concerning the said Act, particularly whether he thought the Merchants had not suffer'd, as they complain, to which he answered that the Act was never designed to allow any bad fish to pass for Merchantable tho' he believ'd it had not been so well put in execution but that some Merchants may have suffer'd by that Neglect.

These Gentlemen being withdrawn, Directions were given for preparing the Draught of a Representation to His Majesty, in order to the Repeal of the said Act. \* \* \* \*

—*Ibid.*, p. 105.

"WHITEHALL, Wednesday May 3<sup>d</sup> 1721

At a Meeting &c The Draught of a Representation, directed the 27<sup>th</sup> of the last Month to be prepared, in order to the Repeal of an Act passed in the Province of the Massachusetts Bay in 1718, Intituled *An Act for the better regulating the Culling of Fish*, was agreed & ordered to be transcrib'd."—*Ibid.*, p. 118.

"Representation to the King upon an Act pass'd in the Mass. Bay in 1718. 4 May, 1721. To the King's most Excellent Majesty

May it please Your Majesty An Act having been pass'd in Your Majesty's Province of the Massachusetts Bay in the year 1718 entituled *An Act for the better regulating the culling of Fish* whereby a suitable number of persons are appointed to be annually chosen in every Sea Port Town or Place within that Province where Fish is made & cured and a Penalty laid on all persons who shall presume to cull Fish there without being chosen and sworn according to the said Act, as likewise a Penalty on such as shall presume to ship off any Merchantable Fish whatsoever without being first survey'd or cull'd by a sworn Culler or such person as shall be agreed upon by the Buyer and Seller of Fish under the like Oath & Restrictions in that Case only where the said sworn Cullers cannot be obtain'd; We have consider'd the same as likewise a Petition from several Merchants trading to New England complaining that their Factors are obliged by the said Act to accept of such Fish as are not fit for their purpose And that the sd Cullers of Fish being either concerned in the Fishery themselves or dependent on the Merchants who sell the Fish, are very partial, tho' under the obligation of an Oath to act indifferently between the Buyers and Sellers, And the Petitioners having further produced to us letters from their Correspondents at Oporto & Alicant complaining of the badness of Fish sent thither from New England since the passing the said Act; and being further informed by Merchants trading to New England & others who attended us on this occasion that before the passing of this Act it was the practise for the buyer & seller of Fish to choose each of them a Culler, We are of opinion the said practice is not liable to any objection and therefore humbly offer that Your Majesty be graciously pleased to signify your disapprobation and disallowance of the said Act

Which is most humbly submitted

WESTMORELAND  
J. CHETWYND  
P. DOUMINQUE  
D. PULTENEY  
E. ASHE"

WHITEHALL May 4<sup>th</sup> 1721.

—"N. E., Board of Trade:" *Pub. Rec. Office*, vol. 38, p. 324.



"Order in Council repealing an Act passed in the Massack: Bay in 1721. 7 May, 1721.

At the Court at St. James' the 7<sup>th</sup> day of May 1721. Present The King's most Excell<sup>t</sup> Maj<sup>y</sup> in Council.

Whereas by Commission under the Great Seal of Great Brittain, the Governour, Council and Assembly of His Majesty's Province of the Massachusetts Bay are authorized and empowered to make constitute and ordaine Laws, Statutes and Ordinances for the Publick Peace, Welfare and good Government of the said Province, which Laws, Statutes and Ordinances are to be, as near as may be conveniently, agreeable to the Laws and Statutes of this Kingdom and are to be transmitted to His Majesty for His Royall approbation or disallowance And Whereas in pursuance of the said Powers an Act was pass'd in the said Province of Massachusetts Bay in the year 1718, entituled *An Act for the better regulating the culling of Fish* Which Act having been perused and considered by the Right Hon<sup>ble</sup> the Lords Commissioners for Trade and Plantations, and by them represented to this Board with their humble opinion that the same ought to be repealed, His Majesty is this day pleased, with the advice of His Privy Council to declare his disallowance and disapprobation of the said Act, and pursuant to His Majesty's Royal pleasure thereupon, the said Act is hereby repealed and declared void and of none effect.

A true Copy

ROBERT HALES "

[Indorsed] Rec<sup>d</sup> 2<sup>nd</sup> June Read 8<sup>th</sup> D<sup>o</sup> 1721.

—*Ibid.*, vol. 13, X., 15.

"WHITEHALL, Thursday June 8<sup>th</sup> 1721.

At a Meeting &c The undermentioned Orders of Council were severally read, viz<sup>t</sup>

Copy of an Order of Council of 7<sup>th</sup> May 1721, for repealing an Act of the Massachusetts Bay pass'd in 1718, for the better regulating the Culling of Fish.

And Directions were given for noting upon the List of Acts of the Massachusetts Bay and Barbados, the repeal of the respective Acts abovementioned."

—*Pub. Rec. Office*: "Trade-papers (Journals)," vol. 25, p. 167.

Chap. 5. See note to chapter 8, post.

"Novem<sup>r</sup> 30. 1720. A Petition of James Ivers & sundry others, Rope Makers in the Town of Boston, Shewing that whereas the Government have given a very generous Bounty to encourage the Raising of Hemp within this Province, The Hemp is, notwithstanding the said Reward, much worse than formerly, And the Labourer has received his Premium for his Hemp & then carried it out of Town & brought it again and so received a double Premium for the same Hemp, And therefore Praying that the Persons that receive a Bounty for Hemp may be obliged to repair to a certain Standard where the Hemp shall be proved.

In the House of Representatives Voted that the Head of Hemp herewith sent up be a Standard by which the Surveyours of Hemp regulate themselves, So as not to Certify any Hemp for the Premium of the Law, that is not so well cleansed & Manufactured

In Council; Read & Concur'd:—

Consented to,

SAM<sup>l</sup> SHUTE."

—*Council Records*, vol. XI., p. 86.

Chap. 7. In the preamble to this chapter, as printed in the sessions acts, the words from "that the commissioners," in the first line, to "for the time being," in the fifth line, are embraced in marks of quotation; but no such marks appear in the engrossment of the act. The act referred to provides, substantially, as stated in this preamble, but not in the precise words here given.

Chap. 8. "June 2, 1718. A Committee having been appointed by the Governour & Council to consider of some fit Expedients for the Raising the Value of the Bills of Credit of this Province & Recovering the Trade out of its present Decay, reported the following Expedients

First, That Credit in Trade be limited

Secondly, That the following Clause in the Act for Emitting One Hundred Thousand Pounds be repealed; Viz., That the Commissioners when they shall receive the Whole or any Part of the Principal Sums before the Time of ten Years be expired, they shall let out the same again.

Thirdly, That the Exportation of Silver and Gold be prohibited.

Fourthly, That the Importation of White Servants be encouraged & that the Importation of Black Servants be discouraged.

5. That the Preservation & Increase of the Stocks of Sheep be encouraged.

Sixthly, That further Encouragem<sup>t</sup> be given to the raising Hemp & Flax.

In Council Read."—*Council Records*, vol. X., p. 259.

"June 4. 1718. The Report of the Committee of the Council for Raising the Value of the Bills of Credit &c. As Enter'd June 2. 1718.

In the House of Representatives, Read & the several Articles thereof being distinctly considered Ordered that Coll. Edward Hutchinson, Major John Stoddard, M<sup>r</sup> Thomas Turner, C<sup>yt</sup>, John Cawley, Sam<sup>l</sup> Porter & Cha. Chambers Esq<sup>r</sup> & Coll. William Dudley with such as the Hon<sup>ble</sup> Board shall appoint be a Committee to whom the Consideration of all the said Articles Except the second is refer'd That they report their Opinion what is proper for this Court to do therein & offer such other Expedients as they shall apprehend will advance the Ends proposed. In Council Read."—*Ibid.*, p. 262.

"June 5. 1718. An Order of the House of Representatives on the Report of the Committee appointed to consider of Expedients for Raising the Value of the Bills of Credit &c. As Enter'd Yesterday.

In Council Read & Voted that the following Clause be added to the second Article, Viz., And Voted that a Message go down from the Board by Addington Davenport, Thomas Hutchinson, Thomas Fitch, Edmund Quincy, Jonathan Belcher & Paul Dudley Esq<sup>r</sup> with

a Motion that now the second Article be Accepted & committed to the Com<sup>tee</sup> of both Houses for their Consideration."—*Ibid.*, p. 263.

"June 5. 1718. Report of the Committee for Raising the Value of the Bills of Credit &c. with an additional Clause in the second Article, Voted this Day in Council;

In the House of Representatives Read & Concur'd."—*Ibid.*, p. 266.

"Dec. 3. 1718. In the House of Representatives; Ordered that the Accounts of the Commissioners for Letting out the Hundred Thousand Pounds Loan of Bills of Credit that are laid before this Court be refer'd to a further Inspection & Consideration at their Sessions in May next, and that the Commissioners for the Counties of Hampshire & Yorkshire that have neglected their Duty & and have not exhibited their Accounts, be strictly required then to present them And that in the mean Time & at all Times, the said Commissioners of the several Counties are directed to be very careful to comply with the Directions of the Act whereby they are constituted & particularly to use all proper Care & Caution that the Security which they shall take for such Bills as they shall lett out be good & sufficient, And they are forthwith to pay into the Treasury the Ballance of the Account of Interest in their Hands, As the Law Directs; And It is further Directed & Ordered that the Select Men in any & every Town that shall make Appraisal of any Estate proposed to be mortgaged to the said Commissioners shall be under Oath That they shall faithfully & and according to their best Skill & Judgement make every such Appraisal that they shall make W<sup>ch</sup> the said Commiss<sup>rs</sup> are to be Certified of before they lett out any more Bills.

In Council: Read & Concur'd:—

Consented to,

SAMLL SHUTE."

—*Ibid.*, p. 377.

Chap. 10.

"Mr. West's Report on Acts passed in 1718.

To the Right Hon<sup>ble</sup> the Lords Comm<sup>rs</sup> for Trade & Plantations

My Lords, In obedience to your Lordships commands I have perused & considered the several Acts passed in the Province of Massachusetts Bay in New England in 1718, transmitted to me by Mr Secy Popple, & excepting one Act, I have no objection to their being passed into Laws, provided that the several Acts to which they respectively refer, shall upon examination be found to have had the approbation of your Lordships Board, for otherwise it would be absurd to confirm additional Clauses, tho' in themselves reasonable, when the Acts to which they refer, have been disallowed.

The Act to which I object is intituled *An Act for the regulating and limiting Credit in Trade & for preventing the double payments of debts*, By which it is enacted that no actions shall be brought on any Books or Account whatsoever for debts to be contracted by merchants &c after the expiration of two years from the contracting thereof &c which I am of opinion may be very prejudicial to merchants who are resident in England & have debts due to them in New England, since by it they are barred from suing for their just debts unless they repair into the Province within the prescribed term. It is provided indeed that the Act shall not extend to bar any action of account between Creditor & Debtor, where either of them are beyond the Seas &c the consequence of which Proviso is, that all other actions are barred. *An Action of Account*, tho' in the large sense of the words *Creditor & Debtor* it is practicable, yet it will not lie for the greatest part of those cases which arise between Creditors and Debtors. *An Action of Account* for instance will not lie for a thing certain & consequently if a person in New England is indebted to a Merchant who has afterwards thought fit to remove into England in a certain sum of 20 or 40 £ &c for goods sold &c such Merchant is deprived of all remedy for the recovery of his debt unless he brings his action within the two years.

I shall not trouble your Lordships with such other Objections which may be made to this Act, but of the whole Act I am of opinion that tis no ways proper to be passed into Law. All which I humbly submit to your Lord<sup>sh</sup>

and am My Lords Your Lordships most obedient & most humble Servant

RICH: WEST

June 2<sup>d</sup> 1719."

—*Public Record Office*: "*New Eng., Board of Trade*," vol. 38, p. 285.

No further action appears to have been taken upon this chapter.

Chap. 11. See notes to chapter 13, *post*.

Chap. 12.

"WHITEHALL. Friday March 6<sup>th</sup> 1718-9

Then the Board proceeded to consider an Act pass'd in the Massachusetts Bay in 1718 intituled *An Act for granting unto his Majesty several Rates and Duties of Impost and Tonnage of shipping*, which was read, And directions were given for sending the said Act to Mr Carkesse with the desire of this Board to have the opinion of the Commiss<sup>rs</sup> of his Majesty's Customs thereupon."—*Public Record Office*: "*Trade-papers*," vol. 22, p. 159.

"W<sup>m</sup> Popple to Char. Carkesse.

To Char. Carkesse Esq<sup>re</sup>

Sir, The Lords Comm<sup>rs</sup> for Trade and Plantations command me to send you the inclosed parcel of Acts passed in his Majesty's Province of the Massachusetts Bay in May 1718 & to desire you will move the Hon<sup>ble</sup> the Comm<sup>rs</sup> of his Majesty's Customs that my Lords Comm<sup>rs</sup> may have their opinion upon the Act intituled *An Act for granting unto his Majesty several Rates and Duties of Impost and Tonnage of shipping* (page 310) as soon as conveniently may be,

I am, Sir, Your most humble Servant,

W<sup>m</sup> POPPLE.

WHITEHALL March 6<sup>th</sup> 1718-9"

—*Public Record Office*: "*Board of Trade*," vol. 38, p. 260.

"Char. Carkesse to W<sup>m</sup> Popple.

To William Popple Esq<sup>re</sup>

Sir, I received your letter of the 6<sup>th</sup> Instant inclosing among other Acts passed in his

Majesty's Province of Massachusetts Bay in May 1718, an Act for granting unto his Majesty several Rates & Duties of Impost & Tonnage of shipping, on which Act the Lords Comfirs for Trade & Plantations desire the opinion of the Commiss<sup>rs</sup> of the Customs And having laid the same before them they have made the inclosed Observations thereon which they direct me to transmit you & to return you the Acts abovementioned to be laid before their Lordships.

I am, Sir, Your most humble Serv<sup>t</sup>  
Custom ho. London 14<sup>th</sup> March 1718-9"

CHAR. CARKEESE.

"*Observations on the Act for granting to his Majesty several Rates and Duties of Impost & Tonnage of Shipping made at Massachusetts Bay in New England.*

By the Act of Trade 15 Car. II no goods can be imported into any of the Plantations but from Great Britain (salt for the fisheries, Madeira & Azores Wines, Servants, horses & provisions from Ireland excepted & also except Irish linnen from Ireland 4<sup>th</sup> Act 3 & 4 Anne) And tho' Madeira & Azores Wines &c may be carried into the Plantations from other places in Europe than Great Britain yet it must be in British shipping duly navigated, Whereas this Act seems to allow their being imported into New England in any shipping, there being no words to restrain such importation to be in Ships allowed by Law to trade thither.

This Act which lays a duty on Wines not Madeira or Azores imported from the place of their growth is contrary to the Act of Trade 15 Car. II if they be not imported from Great Britain and likewise all other goods (except as aforesaid) not imported from Great Britain is contrary to the said Act.

This Act lays a double duty on all goods imported from any other Ports than the places of their growth or produce which will be a prejudice to the trade of Britain and the other English Plantations.

This Act seems to give liberty to all persons who have goods consigned to them to make Entries & which may give liberty to Aliens or persons not made free Denizens to trade as Merchants or Factors which is contrary to the Act of Navigation 12 Car. II.

By this Act the ship with her Tackle, Apparel & Furniture is liable to answer such penalties & forfeitures as the Master shall incur by not observing the directions of that Act, which seems to be very unreasonable & a great hardship on British Owners & other Plantation Owners of shipping to forfeit their ships thro' the default or neglect of the Master by a Law made in the Plantations.

The duty laid on all shipping, except as in that section is particularly mentioned, seems to be an unreasonable Law & a great hardship on British Owners & other Plantation Owners of shipping. Signed by order of the Commissioners

Custom ho. London 14 March 1718-9."

CHAR. CARKEESE, Secy

—*Ibid.*, p. 261.

"WHITEHALL. Tuesday March 17<sup>th</sup> 1718-9.

At a Meeting of his Maj<sup>y</sup>'s Comfirs for Trade & Plant<sup>s</sup> Present Earl of Holdernesse, M<sup>r</sup> Chetwynd. Sir Cha. Cooke. M<sup>r</sup> Doeminique. M<sup>r</sup> Molesworth M<sup>r</sup> Pelham M<sup>r</sup> Pulteney M<sup>r</sup> Bladen.

A letter from M<sup>r</sup> Carkeese of 14<sup>th</sup> Instant inclosing the Observations of the Comfirs of his Maj<sup>y</sup>'s Customs upon an Act pass'd in the Province of the Massachusetts Bay in 1718 intituled *An Act for granting unto his Maj<sup>y</sup> several Rates and Duties of Impost & Tonnage of shipping* was read, together with the said Observations, Whereupon directions were given for preparing the Draught of a Representation to his Maj<sup>y</sup> in order to the signification of his Maj<sup>y</sup>'s disallowance of the said act.—*Public Record Office: "Trade-papers (Journals)," vol. 22, p. 166.*

*Representation of the Lords of Trade.*

"To the Kings most Excellent Majesty

May it please your Majesty, We have had under our consideration an Act passed in your Majesty's Province of the Massachusetts Bay in May 1718, intituled *An Act for granting unto his Majesty several Rates & Duties of Impost & Tonnage of Shipping*; and having received the opinion of the Comm<sup>rs</sup> of your Maj<sup>y</sup>'s Customs thereupon We humbly take leave to represent to your Majesty.

That by the Act of Trade 15 Car II no Goods of the growth or manufacture of Europe can be imported into any of the Plantations but from Great Britain, excepting salt for the fisheries, Wines of the Madeira & Western Islands, servants, horses & Provisions from Ireland; And also except Irish linnen from Ireland by the Act 3<sup>rd</sup> & 4<sup>th</sup> Anne, Whereas this Act of the Massachusetts Bay not only allows the importation of all sorts of Wines & Commodities directly from the place of their growth but charges the said Commodities with a double duty, if imported from this Kingdom, from whence only they can legally be imported, except in the cases abovementioned; Besides that there are no words to restrain the importation of such Goods into that Plantation to such ships only as by law may trade thither.

This Act likewise lays a duty of one per cent on all English Merchandizes, when at the same time it lays not half that duty on any other goods & merchandize, and as a further discouragement to the British Trade & Navigation, lays a duty of Tonnage on all shipping except that of the Massachusetts Bay and of some few of its neighbouring Colonies.

It is further observable that the Ship with her tackle, apparel & furniture is liable to answer such penalties and forfeitures as the Master shall incur by not observing the directions of this Act, which would be very unreasonable & a great hardship on British & all other Owners of shipping who are legally entitled to trade thither.

This Act was but very lately transmitted to us & will have had its full effect before your Majesty's pleasure thereon can be known in that Province, for it expires in May next, However considering that it is of so very extraordinary a nature, we would humbly propose that your Majesty may declare your disapprobation thereof as being repugnant to the Laws of this Kingdom by which the Plantations are & ought to be bound & consequently illegal null & void to all intents and purposes whatsoever.

And forasmuch as this Act seems designed to be an annual one, We would propose that in case it shall have been re-enacted this Year before the said Governor receives Your Majesty's Orders on this head, he may be enjoined forthwith to declare your Majesty's disapprobation thereof & not to permit the said Act or any part of it to be put in execution.

And to prevent so pernicious a practise for the future, We would further propose that your Majesty's Governor of the Massachusetts Bay may have orders to represent to the Council & Assembly of that Province, that as the power of making Laws which was granted to them by their Charter from their late Majesty King William & Queen Mary is restrained to the condition that such Laws shall not be repugnant to the Laws of this Kingdom, they will do well to consider how far the breaking this condition & the laying any discouragements on the shipping & manufacture of this Kingdom may endanger their Charter & we believe it necessary that at the same time the Governor himself should be put in mind of the obligations he lies under by the Oath he took before his entrance on the Government (in pursuance of a Clause in an Act of the 7<sup>th</sup> & 8<sup>th</sup> of William the 3<sup>d</sup> for preventing frauds & regulating abuses in the Plantation Trade) to put the Laws of Trade & Navigation in due execution as well as by your Majesty's Instruction to him of the 27<sup>th</sup> of September 1717 not to pass any Act which may affect the trade or shipping of this Kingdom, without a Clause therein to be inserted, declaring that the said Act shall not be in force until the same shall be approved and confirmed by your Majesty, your heirs and successors.

Which is most humbly submitted

CHAR. COOKE  
P. DOCMINIQUE  
I. MOLESWORTH  
D. PULTENEY  
M. BLADEN "

WHITEHALL April 24<sup>th</sup> 1719.

—Public Record Office: "N. E., Board of Trade," vol. 38, p. 266.

"Order in Council approving a Representation of Lords of Trade of 24 April 1719 for repealing an Act passed in Massach. Bay.

At the Council Chamber, Whitehall The 26<sup>th</sup> of May 1719. Present Their Excellencies the Lords Justices in Council

Whereas by Commission under the great seal of Great Britain, the Governor Council and Assembly of the Province of the Massachusetts Bay in New England are authorized and empowered to constitute and ordain laws which are & be in force unless his Majesty's pleasure be signified to the contrary. And whereas in pursuance of the said Commission an Act hath been passed by the Governor, Council and Assembly of that Province in May 1718 and transmitted, Intituled as follows: vizt., *An Act for granting unto His Majesty several rates and duties of impost and tonnage of shipping* Which Act having been perused & considered by the Lords Commrs of Trade & Plantations and presented by their Lordships to this Board with their humble opinion that the same be repealed, Their Excellencies the Lords Justices in Council this day taking the same into consideration are pleased to declare their disallowance of the said Act and pursuant to their Excellencies pleasure thereupon the said Act is hereby repealed, declared void and of none effect.

—*Ibid.*, p. 288.

EDW. SOUTHWELL."

"At the Council Chamber, Whitehall The 26<sup>th</sup> of May 1719 Present Their Excellencies the Lords Justices

Upon reading this day at the Board a Representation from the Lords Commrs for Trade & Plantations dated 24<sup>th</sup> of April last in the words following viz:—

[There was inserted the said Representation at length.]

Which Report being taken into consideration their Excellencies the Lords Justices in Council were pleased to declare their disallowance and disapprobation of the said Act; and were further pleased to order as it is hereby ordered, That the Right Hon<sup>ble</sup> James Craggs Esq<sup>r</sup>, His Majesty's Principal Secretary of State do write to the Gov<sup>r</sup> of the said Province of Massachusetts Bay in conformity to the said Report, and give him a severe reprimand for consenting to the passing an Act so contrary to his instructions & to the Laws & interest of England.

—*Ibid.*, p. 289.

EDW. SOUTHWELL "

"Nov. 4. 1719. Gentlemen. Since our last Session I have had the Honour to receive several Things in Command as well from their Excellencies the Lords Justices of the Kingdom in his Majesties Absence as from the Lords Commissioners of Trade & Plantations; Which as they very much affect the Government of this Province, so I am obliged to communicate them accordingly; Their Excellencies the Lords Justices are pleased to signify to me their great Displeasure at the Act of the Assembly that was pass'd at the Session in May 1718, Entituled An Act for Granting to his Majesty several Rates & Duties of Impost & Tunnage of Shipping, Wherein a Duty was laid both on English Goods & on English Built Ships; as being contrary to his Majesties Instruction for that Purpose & not Authorized by the Royal Charter. I am very glad We were so sensible of the Mistake as at our Sessions in May last we took off the Duty on English Goods & Shipping; And the more effectually to prevent our being guilty of so fatal an Error for the Future, I am expressly Commanded to represent both to the Council & Assembly in the Words following; Viz.,

"That as the Power of Making Laws which was granted to this Government by the Charter from their late Majesties is restrained to the Condition that such Laws shall not be repugnant to the Laws of Great Britain, They will do well to Consider how far the Breaking this Condition & the Laying any Discouragement on the Shipping & Manufacture of Great Britain may endanger the Charter."

This Gentlemen must be look'd upon as a Warning from the Throne, And I hope will prove a Means to preserve us in our Dutiful Dependence on & Subjection to the Crown & Government of Great Britain, Upon which (under God) the Constitution & Prosperity of this Country entirely depends."—*Speech of Gov. Shute to the Assembly; Council Records*, vol. X., p. 457.

Chap. 13. "June 17. 1718. In the House of Representatives; June 12, 1718. Voted that Five Thousand & five Hundred Pounds only of the Twenty two Thousand Pounds



granted in the Years 1712 & 1713 be levied and collected the present Year. And that the Duties of Impost & Tunnage of Shipping & Excise together with the Income of the Bills lent out & the Light House be a Fund & Security for Drawing in the Remaining Sixteen Thousand five Hundred Pounds.

In Council: Read and Voted that a Message go down to the House of Representatives from this Board by Nath<sup>l</sup> Byfield, John Clark, Thomas Hutchinson, Edmund Quincy & Jonathan Belcher Esq<sup>r</sup> to acquaint them That upon Examination of the several Sums laid upon this Year & the Funds set for Drawing them in the Tax of Five Thousand five Hundred Pounds is found not sufficient And therefore to Desire that there may be appointed a Committee of both Houses to examine the same."—*Council Records*, vol. X., p. 287.

"June 25. 1718. A Message came up from the House by Cpt. Throop & M<sup>r</sup> Freeman, to enquire what is done relating to the Bill for a better enquiry into the rateable Estate of this Province, & upon the Vote of the House for Levying Five Thousand five Hundred Pounds only in the Tax of this Year

John Cushing Esq<sup>r</sup> carried down from the Board the Vote of the House for Levying Five Thousand Five Hundred Pounds only in the Tax of this Year, with a Message that the Board had not pass'd on the same; But the Court had appointed a Committee of both Houses to examine the Funds & outstanding Bills of Credit, whose Report now lies before the House."—*Ibid.*, p. 300.

"June 28. 1718. In the House of Representatives: Voted that Eight Thousand two Hundred & fifty Pounds only of the £22000, Granted in the years 1712 & 1713 be Levied & Collected this present Year, And that the Duties of Impost & Tunnage of Shipping & Excise together with the Income of the Bills lent out & the Light House be a Fund & Security for Drawing in the Remaining £13750.

In Council; Read & Non-Concur'd, And a Message was sent down to the House by Coll. Byfield, Coll. Brown, Coll. Fitch, & Coll. Quincy to inform the House that the Board are of Opinion that a Tax of Eight Thousand two Hundred Pounds is not sufficient to answer the Engagements for this present Year And that no less than Eleven Thousand Pounds is sufficient.

A Message came up from the House by Coll. Thaxter, M<sup>r</sup> Lindal & Cpt. Throop That the House do not see cause to depart from their Vote relating to a Tax of Eight Thousand two Hundred & fifty Pounds only.

A second Message came up from the House by the Gentlemen aforesaid, That the House are desirous to have the Tax of this Year as low as may be, because it is so long since a Valuation of the Towns has been taken, And therefore there is no certainty of Equality in Proportioning of them And if a Tax to be raised be granted this Day a Tax Bill may be preparing against this Court meets on Monday Which may much expedite their Rising."—*Ibid.*, p. 306.

"June 30. 1718. The Vote of the House of Representatives for raising a Tax of Eight Thousand two Hundred & fifty Pounds only, Sent down from the Board Non-Concur'd last Saturday;—In the House of Representatives Read & Voted that the House do adhere to their Vote.—In Council Resolved that the Council do insist on their Vote above."

"July 1. 1718. Voted that Samuel Sewall, Thomas Hutchinson, Thomas Fitch & Edmund Quincy Esq<sup>r</sup> be a Committee to Draw up the Reasons of the Boards adhering to their Vote upon the Tax."

"The Vote of the House for Raising a Tax this Year of Eight Thousand two Hundred & fifty Pounds only Having been brought up to the Board with the Adherence of the House thereto. In Council: Whereas It is evident to this Board that the Sum of Eight Thousand two Hundred & fifty Pounds together with the other Provisions proposed will not draw in the Twenty two Thousand Pounds granted to be levied this Session, but that there will be wanting between Two & Three Thousand Pounds Asseems to be implied by the Resolve of the House yesterday to which their last Vote refers. Now lest by not complying with our Promises from Time to Time the Grants of this Great & General Court become unstable & not to be relied on, Which may prove of fatal Consequence to this Province, This Board can not agree to a foreseen Deficiency But are obliged still to insist on their Resolve of the 30<sup>th</sup> of June past Yet are ready to join with the House in Levying Eleven Thousand Pounds as heretofore."—*Ibid.*, p. 309.

"July 3. 1718. In the House of Representatives: The Vote of the House pass'd the 28th of June 1718 for Raising Eight Thousand two Hundred & fifty Pounds only, Read again & Ordered that a Message be sent up to the Board That this House continues of Opinion That Eight Thousand two Hundred & fifty Pounds Tax with the other Provisions made is sufficient to draw in the Twenty two Thousand Pounds of Bills engaged to be done this Year And they are not willing to raise more than is absolutely necessary for a Tax, Until a better Enquiry be made into the rateable Estate of the Province, That the Taxes may be made with more Equality & Justice And therefore still adhere to their Vote for Raising the Sum of £8250 by Tax this Year.

In Council: Read & Concur'd. Provided that what shall be found wanting to compleat the Sum of Twenty two Thousand Pounds now proposed to be drawn in be levied over & above the Sums already engaged to be raised in the Year next ensuing; In the House of Representatives: Read & Concur'd;—

—*Ibid.*, p. 312. Consented to, SAMUEL SHUTE."

Chap. 15. "To the right Honourable the Lords Commissioners of Trade and Plantations. My Lords, In obedience to Your Lordships commands I have perused and considered an Act pass'd in the Province of the Massachusetts Bay in New England in One thousand seven hundred and eighteen, entitled *An Act for the ease of prisoners for debt*. This Act is expired by the limitation of it. And therefore I shall only trouble your Lordships with one observation. It is enacted expressly by this Act that the whole penalty of the Bond prescribed *without Chancery* shall bee to the use of the Assignee of it. I believe there never was a law of this kind before wherein there is an exclusion of equity in expresse words and as equity cannot take place but when from the circumstances of the case it is

reasonable so to do, a clause of this kind must alwaies bee absurd.”—*Report of Mr. West, 20 May, 1725: “New Eng., Board of Trade,” in Pub. Rec. Office, vol. 23, B. b., 140.*

*Chap. 17.* “Nov. 14. 1718. In the House of Representatives, Whereas the Treasurer has represented to this House that many Persons have attended him with Bills of publick Credit signed with three Hands only to be exchanged for others, Pursuant to an Act of this Court for that End, And he has not had Bills sign’d with four Hands to exchange them And there is no Prospect that Bills sufficient to exchange the said Bills will soon come into the Treasury, There being Fifteen Thousand Pounds to be exchanged according to the Treasurers Accounts;

Ordered that the Time for the Treasurers exchanging such Bills be further lengthened out & extended for the space of Six Months next coming Any Law, usage or Custom to the Contrary notwithstanding.

In Council; Read & Concur’d—  
—*Council Records, p. 347.*

Consented to, SAM<sup>L</sup> SHUTE.”

“Nov. 20. 1718. In the House of Representatives: Ordered that the Sum of Fifteen Thousand Pounds of Bills of Credit on this Province be further & as speedily as may be made by the Committee that made the last Bills, Saying that Mr John White is added to the Committee in the Room of the Hon<sup>ble</sup> Elisha Hutchinson Esq<sup>r</sup> Dec<sup>r</sup>, That the Sum of Twelve Thousand Pounds, be made off of the highest Plate & the Sum of Two Thousand seven Hundred & fifty Pounds off the Middle Plate & Two Hundred & fifty Pounds off the lowest Plate, Who shall be paid for their Service after the same Rate the Committee were for the last they made. That they deliver them to the Treasurer taking his Receipt for the same, Ten Thousand Pounds thereof to be towards Exchanging the Bills sign’d with three Hands only & Five Thousand Pounds towards Supply of the Treasury for which a Fund is to be provided before they be issued,

In Council: Read & Concur’d with that Part of the Vote that relates to the Making Ten Thousand Pounds for the Exchanging the Bills sign’d with three Hands only; And Voted that Nathaniel Byfield, John Cushing, Addington Davenport, Samuel Brown & Edmund Quincey Esq<sup>rs</sup> be a Committee to confer with a Committee of the House on the other Part of their Vote relating to the Remaining Five Thousand Pounds.”—*Ibid., p. 358.*

“Nov. 21. 1718. The Vote of the Board appointing a Committee to confer with a Committee of the House on that part of their Vote for Making Fifteen Thousand Pounds in Bills of Credit, to which they did not Concur, As Enter’d Nov. 20, 1718.

In the House of Representatives, Read & Concur’d, And Jonathan Remington & Edward Hutchinson Esq<sup>rs</sup> Mr Timothy Lindal, Samuel Thaxter & Thomas Turner, Esq<sup>rs</sup> are a Committee for the said Conference.”—*Ibid., p. 361.*

“Nov. 22. 1718. The Report of the Committee chosen by the Board & the Committee chosen by the House of Representatives to confer on that Part of the Vote of the House for the Making & Emitting £15000, in Bills that relates to the £5000 for Supply of the Treasury (As Enter’d Nov. 20, 1718) is as follows: Viz.,

In Obedience to the aforementioned Order, The Committee of each House, above Named have mett and confer’d upon the Vote of the House of Representatives relating to the Making Five Thousand Pounds towards Supply of the Treasury And as a Result of their Conference are humbly of Opinion That there is no Necessity of Making any more new Bills for such a Supply for that the Bills which will be brought in by the Trustees & Commissioners for the Loan & by the Taxes, Impost & Excise will be sufficient upon the Treasurers being enabled to issue the same on such Security as this Court shall agree on at their present Session

In the Name & p Order of the Comm<sup>tees</sup>—

N. BYFIELD.

In Council: Read & Accepted.”—*Ibid., p. 361.*

“Nov. 23. 1718. The Vote of the House of Representatives, That they Non Concur the Boards Acceptance of the Committees Report relating to Making Five Thousand Pounds for Supply of the Treasury, & insist on their former Vote (Enter’d Nov. 20<sup>th</sup>) with this Alteration, Viz, ‘that the Whole of the Fifteen Thousand Pounds be applied to the Exchanging of Bills sign’d with three Hands only,’ more than that Sum being still out standing.

In Council: Read & Concur’d;—  
—*Ibid., p. 363.*

Consented to, SAM<sup>L</sup> SHUTE.

(a.) “July 3. 1718. In the House of Representatives; Resolved that the Treasurer be & hereby is Impowered and Directed to issue forth and Emit of the Bills of publick Credit received into the Treasury the Sum of Six Thousand Pounds for payment of the Publick Debts of the Province already contracted for the Defence & Support of the Government & the necessary Protection & Preservation of the Inhabitants of this Province & for Subsisting of Ports & Garrisons & Wages arising for their Service & for Payment of Grants, Salaries & Allowances made or to be made by this Court according to such Draughts as from Time to Time shall be made upon him by Warrant or Order of y<sup>e</sup> Gov<sup>r</sup> or Commander in Chief for the Time being by & with the Advice & Consent of the Council: And the said Bills shall pass out of the Treasury at the Value therein express’d equivalent to Money & shall be taken & accepted in all publick Payments at the Advance & after the Rate of Five per Cent more. And as a Fund & Security for the same There be & hereby is Granted to his most Excellent Majesty to the Ends & Uses aforesaid a Tax of Six Thousand Pounds to be levied upon Polls & Estates both Real & Personal within this Province According to such Rules & in such Proportion upon the several Towns & Districts within the same as shall be agreed on & Ordered by the Great & General Court or Assembly of this Province at their Session in May 1722 and paid into the Treasury on or before the last Day of December next after.

In Council: Read & Concur’d;  
—*Council Records, vol. X., p. 311.*

Consented to: SAM<sup>L</sup> SHUTE.”

(b.) “July 4. 1718. In the House of Representatives: Whereas this Court at their Sessions in October Anno 1714 did grant a Tax of Ten Thousand Pounds to be levied up-



on Polls & Estates at their Session in May 1720 Three Thousand Pounds thereof to be paid into the Treasury on or before the last day of December next after, And the remaining Seven Thousand Pounds on or before the last day of December 1721 For the more convenient Collecting & Paying in the said Seven Thousand Pounds, Resolved that the said Seven Thousand Pounds shall be paid into the Treasury on or before the last Day of December And whereas by Examination of the Books & Comparing the Sum of the Bills of Credit out standing with the Sum of the Taxes granted & out standing, as Funds & Security to repay & bring in the same It is found that the said Bills exceed the said Taxes the Sum of Thirteen Thousand two Hundred & fifty Pounds Which has happened by a Deficiency for some Years late past that the Impost Excise & other Funds would have brought in greater Sums then they really did; For the Making good such Deficiency, And for a Fund & Security for the Repayment & Calling in of the said Bills; Resolved that there be & hereby is Granted to his most Excellent Majesty to the Ends & Uses as aforesaid a Tax of Thirteen Thousand two Hundred & fifty Pounds to be levied on Polls & Estates both Real & Personal within this Province according to such Rules & in such Proportion upon the several Towns & Districts within the same as shall be Agreed on & Ordered by the Great & General Court or Assembly of this Province at their Session in May 1721 & Paid into the Treasury on or before the last Day of December next after.

In Council; Read & Concurr'd;—

Consented to, SAMUEL SHUTE."

—*Ibid.*, p. 314.

(c.) "Dec. 2. 1718. In the House of Representatives; Resolved that the Treasurer be & hereby is Impowred & Directed to Issue forth & Emit the Sum of Five Thousand Pounds of the Bills of publick Credit that are or shall be received into the Treasury for Payments of the publick Debts of this Province already contracted for the Defence & Support of the Government & the necessary Protection & Preservation of the Inhabitants of this Province & for the Subsisting of Forts & Garrisons & Wages arising for their Service & for Payment of Grants, Salaries & Allowances made or to be made by this Court According to such Draughts as from Time to Time shall be made upon him by Warrant or Order of the Governour or Commander in Chief for the Time being by & with the Advice & Consent of the Council And the said Bills shall pass out of the Treasury at the Value therein express'd equivalent to Money & shall be taken & accepted in all publick Payments at the Advance & after the Rate of Five Pound per Cent more.

And as a Fund & Security for the same There be & hereby is Granted to his most Excellent Majesty for the Ends & Uses aforesaid a Tax of Five Thousand Pounds to be levied upon Polls & Estates both Real & Personal within this Province according to such Rules & in such Proportion upon the several Towns & Districts within the same as shall be agreed on & ordered by the Great & General Court or Assembly of this Province at their Session in May Anno One Thousand seven Hundred & twenty three & paid into the Treasury on or before the last Day of December next after.

In Council; Read & Concurr'd;—

Consented to, SAMUEL SHUTE."

—*Ibid.*, p. 375.



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ACTS,  
PASSED 1719-20.

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# ACTS

PASSED AT THE SESSION BEGUN AND HELD AT BOSTON,  
ON THE TWENTY-SEVENTH DAY OF MAY, A.D. 1719.

## CHAPTER 1.

AN ACT FOR THE PUNISHING AND PREVENTING OF DUELLING.

WHEREAS, to the great dishonour of Almighty God, in defiance of the laws of nature and nations, contrary to the peace of our sovereign lord, the king, and the precious life of man, there have been in this province, of late years, several duel[1]s and dangerous re[a]ncounters and quarrels; for the preventing and suppressing whereof,—

*Be it enacted by His Excellency the Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

[SECT. 1.] That whoever, from and after the publication of this act, shall of their own heads, and for private malice [and] displeasure, in fury or revenge, fight a duel[1], combat, or engage in a rencounter with rapier, or small-sword, backsword, pistol, or any other dangerous weapon, to the danger of life, maihem or wounding of the parties or the affray of his majest[y][ie]'s good subjects (altho death doth not thereby ensue), and be thereof convicted by due course of law, before the court of assize, or court of general sessions of the peace, in the respective counties of this province, shall be punished by fine not exceeding [a] [one] hundred pounds, imprisonment not exceeding six months, or corporally punished (not extending to member or pillory), any or all of the said punishments, at the discretion of the court that have cognizance of such offence, as the nature and circumstances of the fact and persons may require; and be also further obliged to find sureties for the peace and good behaviour for so long a time as the said court shall judge reasonable.

Punishment for duels and rencounters.

*And be it further enacted by the authority aforesaid,*

[SECT. 2.] That if any person or persons by word, writing or message, challenge another to fight a duel[1], and be thereof convicted by due course of law, he or they shall [also] be punished in manner and form as aforesaid. [*Passed June 16; published June 30.*]

To find sureties.

Challenges.

## CHAPTER 2.

AN ACT IN ADDITION TO AN ACT ENTITLED "AN ACT IN FURTHER ADDITION TO THE ACT FOR ENCOURAGING THE KILLING OF WOLVES, MADE IN THE FIFTH YEAR OF THE REIGN OF KING WILLIAM AND QUEEN MARY."

WHEREAS, in the said act it is provided "That whensoever it shall happen that any dog [or bitch\*] shall kill or wound any sheep [lamb or

1715-16, chap. 16, § 2.

\* The words, in this chapter marked with an asterisk, occurring in the engrossment but omitted in the printed act, do not appear in the act referred to.



calf\*], and proof be made thereof before any of his majest[y][ie]'s justices of the peace for the county where [any\*] such damage is done, said dog [or bitch\*] shall be killed within forty-eight hours after notice given, under penalty of five pounds;” notwithstanding which, great damage hath been suffered in diverse towns [with] in this province by unruly and ravenous dogs; it being difficult to make proof thereof as in other cases,—

*Be it therefore enacted by His Excellency the Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

One evidence  
sufficient  
against dogs.

[SECT. 1.] That whensoever it shall happen that any dog or bitch shall worry, chase, kill or wound any sheep, lamb or calf, and proof be made thereof by the oath of one or more credible person or persons, before any of his majest[y][ie]'s justices of the peace for the county where such damage is done, the said justice is required speedily to notify the owner of said dog or bitch of such damage, and if said dog or bitch be not killed within forty-eight hours after such notice given, the owner shall forfeit the sum of five pounds, to be recovered and disposed of in manner as in and by said act is provided; and the said owner shall be further liable to the action of any person damnified as aforesaid; any law, usage or custom to the contrary notwithstanding.

Limitation.

[SECT. 2.] This act to continue in force for the space of four years, and no longer. [*Passed June 30; published July 4.*]

## CHAPTER 3.

### AN ACT IN ADDITION TO AN ACT FOR ERECTING A POWDER-HOUSE IN BOSTON.

1706-7, chap. 4.  
1715-16, chap.  
12.

WHEREAS gunpowder in great quantities is imported and exported at the port of Boston, and the ships or vessels in which such powder commonly is, ly at the wharffs near to the warehouses and dwelling-houses of the inhabitants of the town of Boston aforesaid, being often grounded, whereby, in case of fire, the lives and estates of his majest[y][ie]'s good subjects are in great danger, as well as able-bodied and well-disposed persons discouraged and affrighted from giving their assistance and using any endeavours for the extinguish[ing][ment] thereof,—

*Be it therefore enacted by His Excellency the Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

No gunpowder  
to be kept in  
vessels lying at  
a wharf.

[SECT. 1.] That from and after the publication of this act no gunpowder shall be kept on board any ship or other vessel, lying to or grounded at any wharff within the port of Boston. And if any gunpowder shall be found on board [any] such ship or vessel lying aground, as aforesaid, such powder shall be liable to confiscation, and under the same penalty as if it were found lying in any house or warehouse.

*And be it further enacted by the authority aforesaid,*

Gunpowder not  
to be carried on  
trucks.

[SECT. 2.] That no powder be carried through any town upon trucks, under the penalty of ten shillings per barrel for every barrel of powder so conveyed, and so proportionably for smaller cask.

*And be it further enacted by the authority aforesaid,*

To be kept in  
brass or tin  
tunnels.

[SECT. 3.] That such quantity of gunpowder as by law is permitted and allowed to be kept in shops for retail, shall hereafter be kept in brass or tin tunnels, and no otherwise, under the penalty of forfeiting [all] such gunpowder; one moiety thereof to be to the use of the poor of

the town where such powder shall be found, and the other moiety to them that shall inform and sue for the same; and that the firewards of the town of Boston, for the time being, be, and hereby are, directed strictly to observe and put this law in execution; any law, usage or custom to the contrary notwithstanding. [*Passed June 23; published June 30.*]

## CHAPTER 4.

AN ACT FOR THE ALTERING THE TIME FOR THE SITTING OF THE COURT OF GENERAL SESSIONS OF THE PEACE, AND INFERIOUR COURT OF COMMON PLEAS, WITHIN AND FOR THE COUNTY OF ESSEX, IN THE MONTH OF MARCH.

WHEREAS the time formerly appointed by law for the holding the court of general sessions of the peace, and the inferiour court of common pleas for the said county of Essex, was on the last Tuesday of March annually, which has of late years been altered and put back to the third Tuesday of the said month, which is found for many reasons not to be so convenient as the said last Tuesday in March,—

*Be it therefore enacted by His Excellency the Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

That the said inferiour court of common pleas, and court of general sessions of the peace, appointed to be holden for the said county of Essex upon the third Tuesday of March, shall be henceforth holden and kept at Ipswich upon the last Tuesday of March annually, as formerly; any law, usage or custom to the contrary notwithstanding. [*Passed June 12; published June 30.*]

1699-1700, chap. 2, § 2.

1711-12, chap. 3, § 6.

Time of holding the court in Essex altered.

## CHAPTER 5.

AN ACT FOR THE ALTERING THE TIME FOR THE SITTING OF THE COURT OF GENERAL SESSIONS OF THE PEACE AND COURT OF COMMON PLEAS IN THE COUNTY OF DUKES COUNTY.

WHEREAS the time by law prefixed for [*the*] holding the courts above-said is on the first Tuesday of March and October, and the season being many times bad and difficult, and therefore inconvenient for the justices and others concerned to attend the said court[s], as abovesaid; for remedy whereof,—

*Be it enacted by His Excellency the Governour, Council and House of Representatives in General Court assembled, and by the authority of the same,*

That for the future the time for holding the court of general sessions of the peace and court of common pleas within the county of Dukes county, shall be on the last Tuesday of March and October; and all actions, pleas and suits, both civil and criminal, shall be heard and tried at the abovesaid courts as fully and absolutely as if the time for holding the same had not been altered; any law, usage or custom to the contrary notwithstanding. [*Passed June 11; published June 30.*]

1699-1700, chap. 2, § 2.

Time of holding the court in Dukes County altered.

## CHAPTER 6.

## AN ACT FOR THE GRANTING UNTO HIS MAJESTY SEVERAL RATES AND DUTY'S OF IMPOST AND TUNNAGE OF SHIPPING.

WE, his majesty's loyal and dutifull subjects, the representatives of his majesty's province of the Massachusetts Bay in New England, considering the necessity of granting a supply of moneys for calling in the sum of sixteen thousand pounds granted unto her late, and his present, majesty, by bills emitted at their several sessions, *annis* 1713, 1715 and 1716, to be levied and collected in this present year, of which the dutys of impost, and excise, and tunnage of shipping were to be in part a fund and security, have chearfully and unanimously given and granted, and do hereby give and grant unto his most excellent majesty, to the ends, use and intent afores'd, and for no other use, the several dutys of impost upon wines, liquors, goods, wares and merchandize that shall be imported into this province, and tunnage of shipping, hereafter mentioned and expressed, for calling in the sum of sixteen thousand pounds above-mentioned; and pray that it may be enacted,—

*And be it accordingly enacted by His Excellency the Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

[SECT. 1.] That after the publication of this act there shall be paid by the importer of all wines, liquors, goods, wares and merchandize that shall be imported into this province from the place of their growth (salt, cotton-wool, provisions and every other thing of the growth and produce of New England excepted), the several rates and dutys of impost following; vizt,—

For every pipe of common wine of the Western Islands, twenty shillings.

For every pipe of Canary, twenty-five shillings.

For every pipe of Madera or Pissada, twenty shillings.

For every pipe of other sorts not mentioned, twenty shillings.

For every hogshead of rum, containing one hundred gallons, twenty shillings.

For every hogshead of sugar, two shillings.

For every hogshead of molasses, one shilling.

For every hogshead of tobacco, five shillings.

For every ton of logwood, three shillings.

And so proportionably for greater or lesser quantities.

For all other comoditys, goods or merchandize not mentioned or excepted, one penny for every twenty shillings' value, all goods imported from Great Britain excepted.

[SECT. 2.] And for any of the above wines, liquors, goods, wares, merchandize, &c., that shall be imported into this province from any other ports than the places of their growth and produce, there shall be paid by the importer double the value of impost appointed by this act, to be received for every species above mentioned, unless they do *bona fide*, belong to the inhabitants of this province, and come upon their risque from the port of their growth.

*And be it further enacted by the authority aforesaid,*

[SECT. 3.] That all the aforesaid imposts, rates and dutys shall be paid in current money or in bills of credit of this province, by the importer of any wines, liquors, goods or merchandize, unto the commissioner and receiver to be appointed, as is hereinafter directed, for entring and receiving of the same at or before the landing of any wines, liquors, goods or merchandize; only the commissioner or receiver is hereby al-

lowed to give credit to such person or persons, where his or their duty of impost in one ship or vessel doth exceed the sum of ten pounds. And in case where the commissioner or receiver shall give credit, he shall settle and ballance his accompts with every person, so that the same accompt may be ready to present to this court in May next. And all entrys where the impost or duty to be paid doth not exceed four shillings, shall be made without charge to the importer; and not more than sixpence to be paid for any other single entry to what value soever.

*And be it further enacted by the authority afores'd,*

[SECT. 4.] That all masters of ships or other vessels coming in to any harbour or port within this province, from beyond sea or from any other province or colony, before bulk be broken and within twenty-four hours after his arrival in such harbour or port, shall make a report to the commissioner or receiver of the impost, to be appointed as is hereafter mentioned, of the contents of the lading of such ship or vessel, without any charge or fee to be demanded or paid for the same; which report such master shall give in to the said commissioner or receiver, under his hand, and shall therein set down and express the quantities and species of the wines, liquors, goods and merchandizes loaden on such ship or vessel, with the marks and numbers thereof, and to whom the same is consigned; and also make oath that the said report or manifest of the contents of his lading, so to be by him given in under his hand as afores'd, contains a just and true accompt, to the best of his knowledge, of the whole lading taken on board and imported in the said vessel from the port or ports such vessel came from, and that he hath not broken bulk nor delivered any of the wines, rum or other distilled liquors or merchandizes loaden on said ship or vessel, directly or indirectly, and that if he shall know of any more wines, liquors, goods or merchandize to be imported therein before the landing thereof, he will cause it to be added to his manifest; which manifest shall be agreeable to a printed form made for that purpose, which is to be filled up by the s'd commissioner or receiver, according to each particular person's entry; which oath the commissioner or receiver is hereby impowred to administer: after which such master may unload, and not before, on pain of one hundred pounds, to be forfeited and paid by each master that shall neglect his duty in this behalf.

*And be it further enacted by the authority afores'd,*

[SECT. 5.] That all merchants, factors or other persons, importers, being owners of, or having, any of the wines, liquors, goods or merchandize consigned to them, that by this act are lyable to pay impost or duty, shall, by themselves or order, make entry thereof in writing, under their hands, with the said commissioner or receiver, and produce unto him the original invoice of all such goods as pay *ad valorem*, and make oath thereto in manner following:—

You, A. B., do swear that the entry of the goods and merchandize, by you now made, contains the true value agreeable to the original invoice herewith exhibited, and that according to your best skill and judgment is not less than the real cost thereof. So help you God.

—and pay the duty and impost by this act required before such wines, liquors, goods, wares or merchandize be landed or taken out of the vessel in which the same shall be imported, on pain of forfeiting all such wines, liquors, goods, wares or merchandize so landed or taken out of the vessel in which the same shall be imported.

[SECT. 6.] And no wines, liquors, goods, wares or merchandize that by this act are lyable to pay impost or duty, shall be landed on any wharff or into any warehouse or other place, but in the day-time only, and that after sunrise and before sunset, unless in the presence of,

and with the consent of, the commissioner or receiver, on pain of forfeiting all such wines, liquors, goods, wares and merchandize, and the lighter, boat or vessel out of which the same shall be landed or put into any warehouse or other place; which aboves'd oath the commissioner or receiver is hereby impowred to administer.

[SECT. 7.] And if any person or persons shall not have and produce an invoice of the quantities of rum or liquors to him or them consigned, then the cask, wherein the same is, shall be gauged at the charge of the importer, that the quantity thereof may be known.

*Be it further enacted by the authority aforesaid,*

[SECT. 8.] That every merchant or other person, importing any wines into this province, shall be allowed twelve per cent for leakage: provided such wines have not been filled up on board, and that every hogshead, butt or pipe of wine that hath two third parts thereof leaked out, shall be accounted for outs, and the merch<sup>r</sup> or importer to pay no impost or duty for the same. And no master of any ship or vessel shall suffer any wines to be filled up on board, without giving a certificate of the quantity so filled, under his hand, before the landing thereof, to the commissioner or receiver of the impost in such port, on pain of forfeiting the sum of fifty pounds.

[SECT. 9.] And if it be made appear that any wines imported in any ship or vessel, be decayed at the time of unloading thereof, or in twenty days afterwards, oath being made before the commissioner or receiver that the same hath not been landed above that time, the duties and impost paid for such wines shall be repaid unto the importer thereof.

*And be it further enacted by the authority afores'd,*

[SECT. 10.] That the master of any ship or vessel importing any wines, liquors, goods, wares or merchandize shall be lyable to and shall pay the impost for such and so much thereof contained in his manifest as shall not be duly entred, and the duty paid for the same, by the person or persons to whom such wines, liquors, goods, wares or merchandize are or shall be consigned; and it shall and may be lawful to and for the master of every ship or other vessel to secure and detain in his hands, at the owner's risque, all such wines, liquors, goods, wares and merchandize imported in such ship or vessel, until he shall receive a certificate from the commissioner or receiver of the impost that the duty for the same is paid, and until he be repaid his necessary charges in securing the same; or such master may deliver such wines, liquors, goods, wares or merchandize as are not entred unto the commissioner or receiver of the impost in such port or his order, who is hereby impowred and directed to receive and keep the same at the owner's risque until the impost thereof, with charges, be paid; and then to deliver such wines, liquors, goods, wares or merchandize as such master shall direct.

*And be it further enacted by the authority afores'd,*

[SECT. 11.] That the commissioner or receiver of the impost in each port shall be and hereby is impowred to sue the master of any ship or vessel, for the impost or duty for so much of the lading of any wines, liquors, goods, wares and merchandize imported therein, according to the manifest by him to be given upon oath as afores'd, as shall remain not entred and the duty or impost thereof not paid; and where the goods, wares or merchandize are such as that the value thereof is not known, whereby the impost to be recovered of the master for the same cannot be ascertained, the owner or person to whom such goods, wares or merchandize are or shall be consigned, shall be summoned to appear as an evidence at the court where suit for the duty and impost thereof shall be brought, and be there required to make oath to the value of such goods, wares or merchandize.



*And be it further enacted by the authority afores'd,*

[SECT. 12.] That the ship or vessel, with her tackle, apparel and furniture, the master of which shall make default in anything by this act required to be performed by him, shall be lyable to answer and make good the sum or sums forfeited by such master, according to this act, for any such default, as also to make good the impost or duty for any wines, liquors, goods, wares or merchandizes not entred as afores'd, and upon judgm<sup>t</sup> recovered against such master, the s'd ship or vessel, or so much of the tackle or appur<sup>ces</sup> thereof as shall be sufficient to satisfy said judgment may be taken in execution for the same; and the comissioner or receiver of the impost is hereby impowred to make seizure of such ship or vessel, and detain the same under seizure, until judgment be given in any suit to be commenced and prosecuted for any of the s'd forfeitures or impost, to the intent that if judgment be rendred for the prosecutor or informer, such ship or vessel and appur<sup>ces</sup> may be exposed for satisfaction thereof as is before provided, unless the owners or some on their behalf, for the releasing of such ship or vessel from under seizure or restraint, shall give sufficient security to the commissioner or receiver of the impost that seized the same, to respond and satisfy the sum or value of the forfeiture and dutys, with charges, that shall be recovered against the master thereof upon suit to be brought for the same as afores'd; and the master occasioning such loss and damage to his owners thro' his default or neglect shall be lyable unto their action for the same.

*And be it further enacted,*

[SECT. 13.] That the naval officer within any of the ports of this province shall not clear or give passes to any master of any ship or other vessel outward bound, until he shall be certified, by the comissioner or receiver of the impost that the dutys and impost for the goods last imported in such ship or vessel are paid, or secured to be paid; and the commissioner or receiver of the impost is hereby impowred to allow bills of store to the master of any shipp or vessel, importing any wines or liquors, for such private adventures as shall belong to the master and seamen of such ship or other vessel, at the discretion of the commissioner or receiver, not exceeding three per cent of the lading; and dutys payable by this act for such wines or liquors in such bills of store mentioned and expressed, shall be abated.

*And be it further enacted by the authority aforesaid,*

[SECT. 14.] That all penaltys and forfeitures accruing or arising by vertue of this act, shall be one-half to his majesty for the uses and intents for which the aforementioned dutys of import are granted, and the other half to him or them that shall seize, inform and sue for the same by action, bill, plaint or information in any of his majesty's courts of record, wherein no essoign, protection or wager of law shall be allowed; the whole charge of prosecution to be taken out of the half belonging to the informer.

*And be it further enacted by the authority afores'd,*

[SECT. 15.] That there shall be paid by the master of every ship or other [vessel? \*] coming into any port or ports in this province to trade or traflick, whereof all the owners are not belonging to this province, except such vessels as belong to Great Britain, [the? \*] provinces or colonys of Pensilvania, West and East Jersey, New York, Connecticut or Rhode Island, every voyage such ship or vessel do's make, the sum of eighteen pence per tun, or one pound of good new gunpowder for every tun such ship or vessel is in burthen (saving for that part which is owned in Great Britain, this province or any of the afores'd governments, which is hereby exempted), to be paid unto the commissioner or receiver

\* A part of the parchment destroyed.



of the duties of impost, and to be employed for the ends and uses afores'd.

[SECT. 16.] And the said commissioner is hereby impowred to appoint a meet and suitable person to repair unto and on board any ship or vessel, to take the exact measure or tunnage thereof, in case he shall suspect that the register of such ship or vessel doth not express and set forth the full burthen of the same; the charge thereof to be paid by the master or owner of such ship or vessel, before she be cleared, in case she appears to be of greater burthen; otherwise to be paid by the commissioner out of the moneys rec'd by him for impost, and shall be allowed him accordingly by the treasurer in his accompts. And the naval officer shall not clear any vessel until he be also certified by the said commissioner that the duty of tunnage for the same is paid, or that it is such a vessel for which none is payable according to this act.

*And be it further enacted by the authority afores'd,*

[SECT. 17.] That there be one fit person, and no more, nominated and appointed by this court, as a commissioner and receiver of the afores'd duties of impost and tunnage of shipping, and for the inspection, care and management of the s'd office and whatsoever relates thereunto, to receive commission for the same from the governour or comander-in-chief for the time being, with authority to substitute and appoint a deputy receiver in each port besides that wherein he resides, and to grant warrants to such deputy receivers for their said place, and to collect and receive the impost and tunnage of shipping afores'd, that shall become due within such port, and to render the accompts thereof and pay in the same to the said commissioner and receiver; which said commissioner and receiver shall keep fair books of all entries and duties arising by vertue of this act, also a particular accompt of every vessel, so that the duties of impost and tunnage arising on the s'd vessell may appear; and the same to lye open, at all seasonable times to the view and perusal of the treasurer and receiver-general of this province (or any other person or persons whom this court shall appoint), with whom he shall account for all collections and payments, and pay in all such moneys as shall be in his hands, as the treasurer or receiver shall demand it. And the said commissioner and receiver and his deputy and deputys, before their entring upon the execution of the s'd office, shall be sworn to deal truly and faithfully therein, and shall attend in the office from nine to twelve of the clock in the forenoon, and from two to five in the afternoon.

[SECT. 18.] And the s'd commissioner and receiver, for his labour, care and expences in the said office, shall have and receive, out of the province treasury the sum of seventy pounds per annum, and his deputy or deputys to be paid for their service such sum and sums as the said commissioner and receiver, with the treasurer, shall agree, upon reasonable terms, not exceeding thirty pounds each, and the treasurer is hereby ordered in passing and receiving the said commissioner's accompt, accordingly to allow the payment of such salary or salaries, as afores'd, to himself and his deputy and deputys.

*Provided,*

[SECT. 19.] That this act shall continue in force from the publication thereof, until the twenty-ninth day of June, which will be in the year of our Lord one thousand seven hundred and twenty, and no longer. [*Passed and published June 30.*]

## CHAPTER 7.

## AN ACT FOR APPORTIONING AND ASSESSING A TAX OF FOUR THOUSAND AND TEN POUNDS TEN SHILLINGS AND SIXPENCE ON POLLS AND ESTATES.

WHEREAS the great and generall court or assembly of the province of the Massachusetts Bay in New England, at their several sessions in the years 1713, 1715, 1716, did pass four several grants of taxes on polls and estates, as funds and security for the payment and drawing in severall sums in the bills of credit on this province, ordered to be imprinted, repeated and issued out of the publick treasury for the service of the government; that is to say, at their sessions begun and held the fourteenth day of October, 1713,\* one thousand pounds; at their session held the twenty-third day of November, 1715,† four thousand pounds; at their session held the thirtieth day of May, 1716,‡ five thousand pounds; at their session held the seventh day of November, 1716,§ six thousand pounds; applied to the ends and uses in the said grants particularly enumerated and expressed, and by the resolves of the court that made the aforesaid grants, it was then ordered that the said sum of sixteen thousand pounds shall be apportioned, assessed and levied on polls, and estates both real and personal, within this province, according to such rules and in such proportion, upon the severall towns and districts within the same, as shall be agreed on and ordered by this court in their present session; wherefore, for the ordering, directing and perfecting the said sum of four thousand and ten pounds ten shillings and sixpence, which, with the sum of eleven thousand nine hundred eighty-nine pounds nine shillings and sixpence, by the duties of impost and tunnage of shipping and excise, together with the income of the bills lett out, and the lighthouse, will make the sum of sixteen thousand pounds, pursuant to the funds and grants aforesaid, which is unanimously approved, ratified and confirmed, we, his majestie's loyal and dutyfull subjects, the representatives in general court assembled, pray that it be enacted,—

*And be it accordingly enacted by His Excellency the Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

[SECT. 1.] That each town or district within this province be assessed and pay, as such town and district's proportion of the aforesaid four thousand and ten pounds ten shillings and sixpence, the sum following; that is to say,—

## IN THE COUNTY OF SUFFOLK.

Boston, seven hundred thirty-two pounds fourteen shillings and tenpence, . . . . .	£732	14s.	10d.
Roxbury, forty-one pound eighteen shillings and fourpence, . . . . .	41	18	4
Dorchester, fifty-five pounds sixteen shillings and twopence, . . . . .	55	16	2
Hingham, forty-two pounds and eleven shillings, . . . . .	42	11	0
Brantrey, forty-three pounds eighteen shillings and twopence, . . . . .	43	18	2
Dedham, thirty-six pounds thirteen shillings and sixpence, . . . . .	36	13	6
Medfield, twenty pounds twelve shillings, . . . . .	20	12	0

\* NOTES to 1713-14, resolve (b).

† NOTES to 1715-16, resolve (b).

‡ NOTES to 1716-17, resolve (a).

§ *Ibid.*, resolve (b).

Medway, nine pounds nineteen shillings and twopence,	£9	19s.	2d.
Weymouth, twenty-nine pounds nine shillings and eightpence,	29	9	8
Milton, twenty-one pounds ten shillings and twopence,	21	10	2
Hull, nine pounds nineteen shillings and twopence,	9	19	2
Wrentham, twenty-one pounds sixteen shillings and tenpence,	21	16	10
Mendon, twenty-eight pounds six shillings and twopence,	28	6	2
Woodstock, twenty-one pounds one shilling and sixpence,	21	1	6
Brookline, seventeen pounds five shillings and sixpence,	17	5	6
Needham, twelve pounds seventeen shillings and twopence,	12	17	2
Oxford, five pounds and three shillings,	5	3	0

## IN THE COUNTY OF ESSEX.

Salem, one hundred and six pounds eight shillings and one penny,	106	8	1
Ipswich, one hundred and fourteen pounds seven shillings and sixpence,	114	7	6
Newbury, ninety-five pounds eleven shillings and eightpence,	95	11	8
Marblehead, ninety pounds twelve shillings and one penny,	90	12	1
Lynn, forty-nine pounds fifteen shillings and tenpence,	49	15	10
Andover, forty-seven pounds one shilling and fourpence,	47	1	4
Beverly, forty pounds twelve shillings and sixpence,	40	12	6
Rowley, thirty-seven pounds thirteen shillings and eightpence,	37	13	8
Salisbury, thirty-two pounds seventeen shillings and ninepence,	32	17	9
Haverhill, forty-three pounds four shillings and twopence,	43	4	2
Glocester, forty-eight pounds three shillings and twopence,	48	3	2
Topsfield, twenty pounds eight shillings and sixpence,	20	8	6
Boxford, eighteen pounds five shillings and eightpence,	18	5	8
Amesbury, twenty-nine pounds seventeen shillings and twopence,	29	17	2
Bradford, twenty pounds two shillings and twopence,	20	2	2
Wenham, eighteen pounds twelve shillings and fivepence,	18	12	5
Manchester, eight pounds thirteen shillings and sixpence,	8	13	6

## IN THE COUNTY OF MIDDLESEX.

Cambridge, thirty-three pounds thirteen shillings and one penny,	33	13	1
Charlestown, ninety pounds sixteen shillings and twopence,	90	16	2
Watertown, thirty-six pounds eighteen shillings and tenpence,	36	18	10
Weston, fifteen pounds twelve shillings and elevenpence,	15	12	11
Concord, fifty-one pounds eleven and twopence,	51	11	2

Wobourn, forty-nine pounds eighteen shillings and twopence,	£49	18s.	2d.
Reading, thirty-four pounds sixteen shillings and tenpence,	34	16	10
Sudbury, forty pounds twelve shillings and twopence,	40	12	2
Marlborough, thirty-nine pounds sixteen shillings and sixpence,	39	16	6
Lexington, twenty-four pounds and tenpence,	24	0	10
Newtown, thirty pounds thirteen shillings and ninepence,	30	13	9
Malden, twenty-five pounds six shillings and sixpence,	25	6	6
Chelmsford, thirty-two pounds two shillings and twopence,	32	2	2
Billerica, thirty-one pounds thirteen shillings and twopence,	31	13	2
Sherbourn, twenty-one pounds six shillings and twopence,	21	6	2
Westborough, eight pounds fifteen shillings and twopence,	8	15	2
Groton, twenty-two pounds four shillings and fivepence,	22	4	5
Lancaster, twenty-four pounds seventeen shillings and twopence,	24	17	2
Framingham, twenty-five pounds five shillings and tenpence,	25	5	10
Medford, twelve pounds sixteen shillings and twopence,	12	16	2
Stow, nineteen pounds four shillings and one penny,	19	4	1
Dunstable, seven pounds thirteen shillings and elevenpence,	7	13	11
Littleton, four pounds,	4	0	0
Dracutt, five pounds nineteen shillings and twopence,	5	19	2
Worcester, four pounds,	4	0	0

## IN THE COUNTY OF HAMPSHIRE.

Springfield, fifty pounds two shillings and ninepence,	50	[2	9*]
North hampton, thirty-eight pounds nineteen shillings and threepence,	38	[19	3*]
Hadley, twenty-two pounds nineteen shillings,	22	[19	0*]
Hatfield, eighteen pounds fourteen shillings and fourpence,	18	14	[4*]
Westfield, nineteen pounds eighteen shillings and threepence,	19	18	3
Suffield, twenty-one pounds eighteen shillings and one penny,	21	18	1
Enfield, twenty-two pounds seven shillings and twopence,	22	7	2
Deerfield, ten pounds and thirteen shillings,	10	13	0
Brookfield, four pounds,	4	0	0
Sunderland, two pounds,	2	0	0

## IN THE COUNTY OF PLYMOUTH.

Plymouth, forty-eight pounds and tenpence,	48	0	10
Plympton, twenty-one pounds eleven shillings and twopence,	21	11	2
Situate, sixty-three pounds thirteen shillings and twopence,	63	13	2

\* A part of the parchment destroyed.

Bridgwater, forty-five pounds eight shillings and elevenpence, . . . . .	£45	8s.	11d.
Marishfield, thirty-three pounds eighteen shillings and tenpence, . . . . .	33	18	10
Pembroke, fifteen pounds twelve shillings and fourpence, . . . . .	15	12	4
Duxborough, twenty pounds nineteen shillings and sixpence, . . . . .	20	19	6
Middleboró, twenty-five pounds nine shillings and ninepence, . . . . .	25	9	9
Rochester, twenty-four pounds eight shillings and sixpence, . . . . .	24	8	6
Abbingdon, seven pounds one shilling and fourpence, . . . . .	7	1	4

## IN THE COUNTY OF BARNSTABLE.

Barnstable, fifty-five pounds four shillings and sixpence, . . . . .	55	4	6
Sandwich, thirty-five pounds seven shillings and sixpence, . . . . .	35	7	6
Eastham, thirty-seven pounds nine shillings and fivepence, . . . . .	37	9	5
Truro, seventeen pounds eighteen shillings and one penny, . . . . .	17	18	1
Yarmouth, thirty-four pounds and ten shillings, . . .	34	10	0
Harwich, twenty-three pounds seventeen shillings and sixpence, . . . . .	23	17	6
Falmouth, thirteen pounds eighteen shillings and ninepence, . . . . .	13	18	9
Chatham, eleven pounds and nineteen shillings, . . .	11	19	0

## IN THE COUNTY OF BRISTOL.

Bristol, thirty-three pounds four shillings and one penny, . . . . .	33	4	1
Taunton, forty-nine pounds and eleven shillings, . . .	49	11	0
Norton, with North Purchase, nineteen pounds fifteen shillings and twopence, . . . . .	19	15	2
Dartmouth, fifty-four pounds and eight shillings, . .	54	8	0
Dighton, twenty-two pounds thirteen shillings and one penny, . . . . .	22	13	1
Rehoboth, fifty-three pounds eight shillings and ninepence, . . . . .	53	8	9
Little Compton, forty pounds and nineteen shillings, .	40	19	0
Swansey, thirty-five pounds seven shillings and twopence, . . . . .	35	7	2
Tiverton, eighteen pounds and six shillings, . . . .	18	6	0
Freetown, sixteen pounds and six shillings, . . . .	16	6	0
Attleborough, twenty-two pounds six shillings and one penny, . . . . .	22	6	1
Barrington, eleven pounds and nineteen shillings, . .	11	19	0

## IN DUKES COUNTY.

Edgartown, fifteen pounds eighteen shillings and sixpence, . . . . .	15	18	6
Chilmark, twenty-five pounds seventeen shillings and ninepence, . . . . .	25	17	9
Tisbury, seven pounds nineteen shillings and twopence, . . . . .	7	19	2



## IN THE COUNTY OF YORKE.

Yorke, twenty-eight pounds seventeen shillings and sixpence, . . . . .	£28	17s.	6d.
Kittery, forty-three pounds sixteen shillings and twopence, . . . . .	43	16	2
Berwick, nineteen pounds six shillings and fivepence, . . . . .	19	6	5
Falmouth, two pounds, . . . . .	2	0	0
Biddiford, two pounds, . . . . .	2	0	0
Wells, nineteen pounds two shillings and sixpence, . . . . .	19	2	6
Nantuckett, fifty-one pounds fifteen shillings and fivepence, . . . . .	51	15	5

*And be it further enacted by the authority aforesaid,*

[SECT. 2.] That the treasurer do forthwith send out his warrants, directed to the selectmen or assessors of each town or district within this province, requiring them, respectively, to assess the sum hereby set upon such town and district, in manner following; that is to say, to assess all ratable male polls above the age of sixteen years at twenty pence the poll (except the governour and lieutenant-governour and their families, the president, fellows and students of Harvard College, settled ministers and grammar-school masters, who are hereby exempted, as well from being taxed for their polls, as for their estates being in their own hand and under their actual management and improvement), and other persons (if such there be) who thro' age, infirmity or extream poverty, in the judgement of the assessors, are not capable to pay towards publick charges, they may except their polls and so much of their estates as, in their prudence, they shall think fit and judge meet; and all estates, both real and personal, lying within the limits and bounds of such town or district, or next unto the same, not paying elsewhere, in whose hand, tenure, occupation or possession soever the same is or shall be found; and income by any trade or faculty which any person or persons (except as before excepted) do or shall exercise in gaining, by monies or other estate not particularly otherwise assessed, or commissions of profit in their improvement, according to their understanding and cunning, at one penny on the pound; and to abate or multiply the same, if need be, so as to make up the sum hereby set and ordered for such town or district to pay; and, in making their assessment, to estimate houses and lands at six years' income of the yearly rents whereat they may be reasonably set or lett for in the places where they lye (saving all contracts betwixt landlord and tenant, and, where no such contract is, the landlord to reimburse one-half of the tax set upon such houses and lands), and to estimate Indian, negro and molatto servants, proportionably, as other personal estate, according to their sound judgement and discretion: as also to estimate every ox of four years old and upwards, at forty shillings; every cow of three years old and upwards, at thirty shillings; every horse and mare of three years old and upwards, at forty shillings; every swine of one year old and upwards, at eight shillings; every sheep and goat of one year old and upwards, at four shillings: likewise requiring the assessors to make a fair list of the said assessment, setting forth, in distinct columns, against each particular person's name, how much he or she is assessed at for polls, and how much for houses and lands, and how much for personal estate and income by trade or faculty; and the list or lists so perfected and signed by them, or the major part of them, to committ to the collectors, constable or constables of such town or district, and to return a certificate of the name or names of such collector, constable or constables, together with the sum total to each of them respectively committed, unto himself some time before the last day of September next.



[SECT. 3.] And the treasurer for the time being, upon the receipt of such certificate, is hereby impowred and ordered to issue forth his warrants to the collectors, constable or constables of such towns or districts, requiring him or them, respectively, to collect the whole of each respective sum assessed on each particular person, before the last day of March next; and of the inhabitants of the town of Boston, to collect their proportion sometime in the month of January aforegoing; and to pay in their collections and issue the accompts of the whole at or before the last day of May next, which will be in the year of our Lord one thousand seven hundred and twenty.

*And be it further enacted by the authority aforesaid,*

[SECT. 4.] That the assessors of each town and district, respectively, in convenient time before their making the assessment, shall give seasonable warning to the inhabitants in a town meeting, or by posting up notifications in some place or places in such town or district, or otherwise to notify the inhabitants to give or bring into the s'd assessors, true and perfect lists of their polls and ratable estate; and if any person or persons shall neglect or refuse so to do, or bring in a false list, it shall be lawfull to and for the assessors to assess such person or persons according to their known ability within such town, in their sound judgement and discretion, their due proportion to this tax, as near as they can, according to the rules herein given, under the penalty of twenty shillings for each person that shall be convicted by legal proof, in the judgement of the assessors, of bringing in a false bill: the said fine to be for the use of the poor of such town or district where the delinquent lives, to be levied by warrant from the assessors, directed to the collector or constable, in manner as is directed for gathering of town assessments, and to be paid in to the town treasurer or selectmen for the use aforesaid: *saving* to the party agrieved att the judgement of the assessors in setting such fine, liberty of appeal therefrom to the court of general sessions of the peace within the county, for relief, as in case of being overrated.

[SECT. 5.] And if the party be not convicted of any falseness in the list by him presented of polls, rateable estate, and income by any trade or faculty which he doth or shall exercise in gaining, by money or other estate, not particularly otherwise assessed, such list shall be a rule for such person's proportion to the tax, which the assessors may not exceed.  
[Passed June 30; published July 4.]

# ACTS

PASSED AT THE SESSION BEGUN AND HELD AT BOSTON,  
ON THE FOURTH DAY OF NOVEMBER, A.D. 1719.

## CHAPTER 8.

### AN ACT FOR THE SUPPRESSING OF LOTTERIES.

WHEREAS there have lately been set[t] up within this province certain mischievous and unlawful games, called lotteries, whereby the children and servants of several gentlemen, merchants and traders, and other unwary people have been drawn into a vain and foolish expence of money, which tends to the utter ruine and impoverishment of many families, and is to the reproach of this government, and against the common good, trade, welfare and peace of the province; for remedy whereof,—

Preamble.

*Be it enacted, adjudged and declared, and it is hereby enacted, adjudged and declared by His Excellency the Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

[SECT. 1.] That all such lotteries, and all other lotteries are common and publick nuisances.

Lotteries a public nuisance.

*And it is further enacted by the authority aforesaid,*

[SECT. 2.] That from and after the publication of this act no person or persons whatsoever shall publickly or privately exercise, keep open, show or expose to be played at, drawn at, or thrown at, or shall draw, play or throw at, any such lottery, or any other lottery, either by dice, lotts, cards, balls or any other numbers or figures, or any other way whatsoever; and every person or persons that shall, after the publication of this act as aforesaid, exercise, expose, open or show to be played, thrown or drawn at, any such lottery, play or device, or other lottery, shall forfeit for every such offence the sum of two hundred pounds, to be recovered by information, bill, plaint or action at law, in any of his maj[estys][ies] courts of record within this province, wherein no essoign, protection or wager of law shall be allowed; one-half thereof to be [to] the king's maj[esty], to be applied towards the support of this governm[en]t, and the other half to him or them that shall inform and sue for the same.

Two hundred pounds forfeiture for setting up lotteries.

*And be it further enacted,*

[SECT. 3.] That every person or persons that after the publication of this act as aforesaid, shall play, throw or draw at any such lottery, play or device, or other lotteries, shall forfeit for every such offence, the sum of ten pounds, to be recovered by information, bill, plaint or action at law, in any of his maj[estys][ies] courts of record within this province, wherein no essoign, protection or wager of law shall be allowed; one half part thereof to be to the king's majesty, to be applied towards the support of this governm[en]t, [and] the other half to him or them that shall inform and sue for the same.

Ten pounds forfeiture for drawing at lotteries.

Officers to prevent lotteries.

*And be it further enacted by the authority aforesaid,*  
[SECT. 4.] That for the more effectual suppressing and preventing such unlawful lotteries, the justices of the peace, sheriffs, undersheriffs, sheriffs' deputies and constables, within their respective jurisdictions, be impowred and required to use their utmost endeavours to prevent the drawing of any such unlawful lottery, heretofore or hereafter to be set up, by all lawful means whatsoever. [*Passed and published November 7.*]

## CHAPTER 9.

AN ACT IN FURTHER ADDITION TO, AND SUPPLEMENT OF, AN ACT ENTITLED "AN ACT FOR MAKING LANDS AND TENEMENTS LIABLE TO THE PAYMENT OF DEBTS," MADE AND PASSED IN THE EIGHTH YEAR OF KING WILLIAM.

*Be it enacted by His Excellency the Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

Real estates of debtors liable to executions.

1696, chap. 10.  
1712-13, chap. 8.  
1716-17, chap. 3.

[SECT. 1.] That when any person or persons shall recover judg[e]ment in any of his majest[y][ie]'s courts within this province, for any sum or sums of money, or any other specie, or for costs of suit, and the person or persons against whom judg[e]ment shall be recovered is either unwilling or unable to satisfy such judg[e]ment by money or other specie, and the creditor or creditors finding no other personal estate to his or their acceptance to extend execution upon, for satisfaction thereof, and doth therefore think fit to levy upon the real estate of such debtor or debtors for the end aforesaid, rather than on the person of the debtor; that then and in every such case, the sheriff, undersheriff or deputy, shall cause three indifferent, discreet men, being freeholders in the county, one to be chosen by the creditor or creditors, one by the debtor or debtors, if he or they see cause, and the third by the sheriff or other officer that shall serve the same, to be sworn before one or more of his majest[y][ie]'s justices in [the] said county, faithfully and impartially to apprise such real estate, as shall be shewn [un]to them, who shall apprise the same to satisfy the execution, with all fees, and set[t] out such estate by meets and bounds; and the sheriff or other officer shall deliver possession and seizen thereof to the creditor or creditors, his or their attorney; which being returned and recorded in the clerk's office of the court out of which the same issued, shall make a good title to such creditor or creditors, his or their heirs and assigns, in fee; saving equity by redemption as by law is prescribed.

15 Mass. 201.  
3 Pick. 334.

Saving equity of redemption.

Execution to be extended on rents.

[SECT. 2.] And when it so happens that the real estate extended upon cannot be divided and set out by meets and bounds, as before prescribed, that then execution shall be extended upon the rents of such real estate, and seizen given thereof to the creditor or creditors, his or their attorney, and cause the person or persons in the possession and improvement to attorn and become tenant or tenants to such creditor or creditors, and to pay their rents to him or them accordingly; and, upon refusal thereof, to turn the person or persons out of the possession thereof, and give livery, seizen and possession of the same to the creditor or creditors, to hold and enjoy all such real estate to him or them, their heirs or assigns, till the judg[e]ment, inter[r]est and fees be fully satisfied and paid, reserving thereout the widow's thirds or dower, if any there be.

*Provided alwa[y][ie]s,*

Proviso.

[SECT. 3.] That it shall and may be lawful for any debtor or debt-

ors, his or their heirs, executors or administrators, at any time or times before the judg[e]ment, with the inter[r]est and charges, be fully satisfied, to tender and pay to the creditor or creditors, his or their heirs or assigns, the full remainder of the debt, inter[r]est and charges, who is obliged to accept thereof, and surrender up all such real estate to the debtor or debtors, his heirs, executors or administrators, and deliver up peaceable and quiet possession thereof.

*And be it further enacted by the authority aforesaid,*

[SECT. 4.] That an act made and passed in the second year of his present majesty, entitled "An act in further addition to an act entitled 'an act for [the] making lands and tenements liable to the payment of debts,' made and passed in the eighth year of the reign of King William," and all and singular the clauses, paragraphs, articles, directions, matters and things in the said act contained, be, and hereby are repealed, made null and void.

Act repealed.  
1716-17, chap. 3.

*Provided alwa[y][ie]s,*

[SECT. 5.] That all real estates taken in execution and levied upon, and all other acts and things done pursuant to and by virtue of the aforesaid law, notwithstanding the repealing [t]hereof, shall be held good and effectual to all intents and purposes; and whoever is in the possession of any real estate by means thereof, it shall be a good estate in fee to him or them, their heirs and assigns; any law, usage or custom to the contrary thereof notwithstanding.

Proviso.

*Provided also,*

[SECT. 6.] That nothing in this act contained shall extend to the lands owned by the Indian natives of this province. [*Passed November 21; published November 25.*]

Proviso.

## CHAPTER 10.

AN ACT FOR THE REGULATION OF THE DECREES AND OTHER PROCEEDINGS OF THE SEVERAL JUDGES OF PROBATE IN THE RESPECTIVE COUNTIES OF THIS PROVINCE, AND OF APPEALS THEREFROM.

*Be it enacted by His Excellency the Governour, Council and Representatives in Gen[era]l Court assembled, and by the authority of the same,*

[SECT. 1.] That after the decease of any person intestate, letters of administration be taken out within thirty days, or sooner, and an inventory taken of all the estate of the deceased within three months, or sooner, by three suitable persons, appointed and put upon oath for their due performance of that service, by the judge, or one justice in the said county, in case the estate be not in the town where the judge himself dwells, or within ten miles thereof; a certificate of such appointment and oath taken by the justice, to be returned to the probate office with the said inventory.

Letters of administration, &c., of intestate estates, to be taken out.

See 1692 3, chap. 14.

*And be it further enacted by the authority aforesaid,*

[SECT. 2.] That when the execut[o]r or administrat[o]r of any estate shall obtain licence from the superior court to make sale of all or any part of the housing and lands of the deceased, for the payment of debts, before sale be made of any such housing and lands, the execut[o]r or administrat[o]r shall give thirty days' publick notice, by posting up notifications of such sale in the town where the deceased person last dwelt, and in the two next adjo[i]n[ing] towns, as also in the shire town of the said county: and whosoever will give most shall have

Administrators and executors to give public notice of the sale of lands, &c.

the preference in such sale; and in case it be an insolvent estate, the whole produce of such sale to be divided in due proportion to and among the creditors.

*And whereas* some doubt hath arisen touching such estate, real and personal, as is not plainly devised, given or bequeathed in any last will and testament,—

*Be it resolved and enacted,*

Estate not bequeathed to be distributed as intestate estates.

[SECT. 3.] That from and after the end of this present session of the general assembly, all such estate, wh[e][i]ther real or personal, that is not plainly given away or disposed of in and by the last will and testament of any person thereafter to be proved, the same accordingly shall be distributed in the same manner as if it were an intestate estate, and the execut[o]r or executors shall administer on the same as such.

*And be it further enacted by the authority aforesaid,*

Division of real estate of intestates.  
4 Mass., 119, 120.  
7 Mass., 84.  
13 Mass., 417.

[SECT. 4.] That when the real[] estate of an intestate will conveniently accommodate more of the children than the eldest son, and being so represented and made to appear to the judge of probate, he shall have power to settle it on so many of the children (preference being alwa[y][ie]s had to the sons) as it will conveniently accommodate, without prejudice to or spoiling of the whole, in the manner as it was to have been settled upon the eldest son before the making of this act.

*And whereas,* provision is already made for an appeal to the governour and council from the orders, decrees, sentences or denials of the several judges for the probate of wills and granting letters of administration, within the respective counties of this province, but no time limited for the bringing such appeals, which has been found inconvenient.

*Be it therefore enacted by the authority aforesaid,*

Limitation of appeals from judges of probate.

[SECT. 5.] That no appeal from any sentence, order, decree, or denial of any of the judges for the probate of wills, and granting letters of administration, allowing accompts and distribution of estates, within this province, shall be admitted, unless it be claimed within six months after the making such order, sentence, decree or denial, and except security be given by the appellant, within ten days, to prosecute the appeal with effect, and except reasons of appeal be filed in the register's office of the court of probate within ten days after security given, and fourteen days at least before the hearing before the governour and council; and in case the party or parties so appealing fail in the prosecution of their said appeal to effect, in three months' time from the claiming the same, then the adverse party to have the benefit of the sentence, order or decree so appealed from, by filing a complaint to the governour and council, in like manner as is provided by law for not prosecuting an appeal from the judgement of an inferiour court.

*Provided alwa[y][ie]s,*

Provisio.

[SECT. 6.] That any person beyond the sea, or out of New England, who has no sufficient attorney within this province at the time of such order, sentence, decree or denial, shall have six months after his or her return, or constitution of such attorney (unless such person was of age at his departure out of this province) to claim and prosecute their appeal, as aforesaid.

*And be it further enacted,*

Guardians for persons under age, and non compos.

[SECT. 7.] That before any decree, order or division be made concerning intestate estates, where any infants or persons under age or *non compos* are interested, guardians shall be appointed for all such persons, according to law, who shall be fully empowered to appeal from any such order, decree or sentence, if they see cause, to be prosecuted in manner as aforesaid.



*And be it further enacted,*

[SECT. 8.] That the judges [*of*] [for] the probate of wills and for granting letters of administration of intestate esta[ta]tes in the respective counties of the province, shall have and hold certain fixed days for the making and publishing their orders and decrees; and such days to be determined and known by publick notification[s] or advertisements in the several counties; any law, usage or custom to the contrary notwithstanding. [*Passed December 5.*]

Judges of probate to hold certain fixed days.

## CHAPTER 11.

AN ACT IN ADDITION TO AN ACT ENTITLED "AN ACT REQUIRING THE TAKING THE OATHS APPOINTED TO BE TAKEN INSTEAD OF THE OATHS OF ALLEGIANCE AND SUPREMACY," MADE IN THE FOURTH YEAR OF THE REIGN OF THE LATE KING WILLIAM AND QUEEN MARY, OF BLESSED MEMORY.

WHEREAS, by an act of parliament, made and pass[ed] in the first year of his present majesty's reign, entitled "An Act for the further security of his majesty's person and government, and the succession of the crown in the heirs of the late Princess Sophia, being Protestants, and for extinguishing the hopes of the pretended Prince of Wales, and his open and secret abettors," all officers and persons therein mentioned or described are enjoined and obliged to take the oaths appointed to be taken instead of the oaths of allegiance and supremacy, in these words; vizt.,—

Preamble.  
1 Geo. I., chap.  
13.  
1692-3, chap. 24.

I, A. B., do sincerely promise and swear that I will be faithful[1], and bear true allegiance to his majesty King George. So help me God.

I, A. B., do swear that I do from my heart abhor, detest and abjure, as impious and heretical, that damnable doctrine and position, that princes excommunicated or deprived by the pope, or any authority of the See of Rome, may be deposed or murdered by their subjects or any other whatsoever. And I do declare, that no foreign prince, person, prelate, state or potentate, hath or ought to have any jurisdiction, power, superiority, preheminance or authority, ecclesiastical or spiritual, within this realm. So help me God.

—and also to take and subscribe the following oath; vizt.,—

I, A. B., do truly and sincerely acknowledge, profess, testify and declare in my conscience, before God and the world, that our sovereign lord King George is lawful[1] and rightful[1] king of this realm, and all other his majesty's dominions and countries thereunto belonging. And I do solemnly and sincerely declare, that I do believe in my conscience, that the person pretended to be Prince of Wales during the life of the late King James, and since his decease pretending to be, and taking upon himself the stile and title of, King of England, by the name of James the Third, or of Scotland, by the name of James the Eighth, or the stile and title of King of Great Britain, hath not any right or title whatsoever to the crown of this realm, or any other the dominions thereto belonging. And I do renounce, refuse and abjure any allegiance or obedience to him. And I do swear that I will bear faith and true allegiance to his majesty King George, and him will defend to the utmost of my power against all traiterous conspiracies and attempts whatsoever which shall be made against his person, crown or dignity; and I will do my utmost endeavour to disclose and make known to his majesty and his successo[ur]s all treasons and traiterous conspiracies which I shall know to be against him or any of them. And I do faithfully promise, to the utmost of my power, to support, maintain and defend the succession of the crown against him, the said James, and all other persons whatsoever; which succession, by an act entitled "An Act for the further limitation of the crown, and better securing the rights and liberties of the subject," is and stands limited to the Princess Sophia,

12 & 13 W. III.,  
chap. 2.



Electoress and Dutchess-dowager of Hanover, and the heirs of her body, being Protestants. And all these things I do plainly and sincerely acknowle[d]ge, and swear, according to these express words by me spoken, and according to the plain and common sen[s] [c]e and understanding of the same words, without any equivocation, mental evasion, or secret reservation whatsoever. And I do make this recognition, acknowledg[e]m[en]t, abjuration, renunciation, and promise heartily, willingly and truly, upon the true faith of a Christian. So help me God.

—now, to the intent that all persons whomsoever sustaining or holding any office within his majesty's government of this province, by virtue of any commission from his excellency the governour, or by authority derived from him, take and subscribe the afores[ai]d oaths; and also to discourage and prevent all persons disaffected to his majesty's right-ful[1] and happy government, and the Protestant succession as by law established, from coming into or residing within this province,—

*Be it enacted by His Excellency the Govern[ou]r, Council and Representatives in General Court assembled, and by the authority of the same,*

Officers obliged  
to take the  
oaths to his  
majesty.

[SECT. 1.] That as well the members of his majesty's council, the representatives in the general assembly, as all and every person and persons that have, bear or sustain any office or offices within this province, by virtue of any commission from his excellency the governour, or by authority derived from him, shall, before they enter upon and act in their respective offices, before his excellency the governour, lieutenant[enant] governour, two or more of the council, or such others as shall be thereto appointed by the governour, take and subscribe the several oaths herein before mentioned; and in case such officer or officers neglect or refuse to take the said oaths, or subscribe thereto, they shall be *ipso facto* adjudged incapable and disabled in law to have, occupy or enjoy the said office or offices, imployment or employments, or any part of them, or any profit or advantage thereby; and every such office, place or imployment shall be adjudged utterly void.

Others obliged  
thereto when  
required.

*And be it further enacted by the authority afores[ai]d,*  
[SECT. 2.] That all and every other person or persons whatsoever, now inhabiting or residing within this province or which shall at any time hereafter reside or dwell within the same, shall, when thereunto required by two of his majesty's justices of the peace, *quorum unus*, take and subscribe the oaths aforesaid.

Justices em-  
powered to ad-  
minister the  
oaths.

*And be it further enacted by the authority aforesaid,*  
[SECT. 3.] That it shall and may be lawful[1] to and for any two justices of the peace, *quorum unus*, in their respective counties, to give and administer the oaths afores[ai]d, from time to time, to any person or persons; and upon due tender of any such person or persons to take the said oaths, the said two justices are hereby required and enjoined to administer the same, and a list of the names of all persons so sworn to be returned into the secretary's office.

Forty shillings  
or imprison-  
ment for the  
first refusal.

*And be it further enacted,*  
[SECT. 4.] That it shall and may be lawful[1] to and for two or more justices of the peace, *quorum unus*, to tender the oaths hereinbefore appointed to be taken, to any person or persons whomsoever whom they shall or may suspect to be disaffected to his majesty or his government. And if any person or persons, to whom the said oaths shall be so tendered, shall neglect or refuse to take the same, the said justices shall commit the said person or persons so refusing to the common goal, there to remain, without bail or mainprize, for the space of three months, unless such offender shall pay down to the said justices so tendering the said oaths, such sum of money, not exceeding forty shillings, as the said justices shall require such offender to pay for his

said refusal, which money shall be to his majesty, for the support of the government of this province; and unless such refuser become bound, with two sufficient sureties, for the good behaviour, and also to appear at the next general quarter sessions of the peace, to be held for the same county where he doth inhabit or reside, at which court the said oaths shall be again tendered to him by the justices of the said court, in open sessions, and if he then refuses to take the said oaths, the said justice[s] shall commit the said person or persons so refusing to the common goal, there to remain for the space of six months, unless every such offender shall pay down to the said justices such sum of money, not exceeding ten pounds nor under five pounds, as the said justices shall require to be paid for his second refusal, the said money to be disposed in manner as aforesaid; and unless every such offender shall likewise become bound, with two sufficient sureties, with condition to be of the good behaviour, until[1] he take the said oaths; and all such persons so refusing are hereby rendered incapable of giving any vote for representatives or jurors or in the choice of any town officers.

And whereas the people called Quakers scruple the taking any oath,—

*Be it enacted by the authority aforesaid,*

[SECT. 5.] That every such person, over and above the declaration of fidelity already enjoined them by the law of this province, shall, for the future, if thereunto required, make and subscribe the effect of the abjuration oath, in the following words; vizt.,—

I, A. B., do truly and sincerely acknowle[d]ge, profess testify and declare, in the presence of Almighty God, the witness of the truth of what I say, that King George is lawful[1] and right[ly][full] king of the realm of Great Britain, and of all other his dominions and countries thereunto belonging. And I do solemnly and sincerely declare, that I do believe the person pretended to be the Prince of Wales, during the life of the late King James, and since his decease pretending to be and taking upon himself the style and title of King of England, by the name of James the Third, or of Scotland, by the name of James the Eighth, or the style and title of King of Great Britain, hath not any right or title whatsoever to the crown of the realm of Great Britain, nor any other the dominions thereunto belonging; and I do renounce and refuse any allegiance and obedience to him. And I do solemnly promise, that I will be true and faithful[1], and bear true allegiance to King George, and to him will be faithful[1] against all traitorous conspiracies and attempts whatsoever which shall be made against his person, crown or dignity; and I will do my best endeavour to disclose and make known to King George and his successo[r]s all treasons and traitorous conspiracies which I shall know to be made against him or any of them; and I will be true and faithful to the succession of the crown against him the said James, and all other persons whatsoever, as the same is and stands set[7]led by an act intituled "An Act declaring the rights and liberties of the subject, and set[7]ling the succession of the crown" to the late Queen Ann[c] and the heirs of her body, being Protestants; and as the same by one other act, intituled "An Act for the further limitation of the crown, and better securing the rights and liberties of the subject," is and stands set[7]led and intailed, after the decease of the said late queen, and for default of issue of the said late queen, to the late Princess Sophia, Elect[ress] and Dutchess-dowager of Hanover and the heirs of her body, being Protestants. And all these things I do plainly and sincerely acknowledge, promise and declare, according to these express words by me spoken, and according to the plain and common sen[s][c]e and understanding of the same words, without any equivocation, mental evasion or secret reservation whatsoever; and I do make this recognition, acknowledgement, renunciation and promise heartily, willingly and truly.

[Passed December 2; published December 11.]

Ten pounds or imprisonment, &c., for refusal before the sessions.

1692-3, chap. 34, § 20.

Quaker's declaration instead of the abjuration oath.

1. W. & M., 2d sess., chap. 2.

12 & 13, W. III. chap. 2.

## CHAPTER 12.

AN ACT REQUIRING THE SEVERAL TOWNS WITHIN THIS PROVINCE TO BE PROVIDED WITH STOCKS.

## Preamble.

WHEREAS the breach of sundry penal laws of this province is punishable by putting in the stocks, where the offenders are unable to pay the respective fines by law set; and many of the towns in the province are not provided with stocks, for want of which persons oftentimes go unpunished; for prevention whereof,—

*Be it enacted by His Excellency the Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

All towns to be provided with stocks.

Five pounds penalty.

That from henceforth every town within this province be supplied with stocks; and that if any town shall neglect the observation of this act, every such defective town shall forfeit and pay the sum of five pounds, for every conviction of such neglect, upon complaint made [un]to his majestie's justices, at their general session[s] of the peace; the one half of said fines or forfeitures to be to his majesty, to be applied to and for the support of this government, [and] the other half to him or them that shall inform and prosecute the same. [Passed November 24; published December 11.]

## CHAPTER 13.

AN ACT FOR ENLARGING THE FEES OF GRAND JURORS, AND FOR FIXING AN ALLOWANCE TO THE SUPERIOUR COURT OF JUDICATURE FOR HEARING PETITIONS, AND GRANTING POWER FOR THE SALE OF LAND.

Preamble.  
1694-5, chap. 24,  
§ 6.

WHEREAS, the stated allowance by law for grand jurors, of two shillings per diem, during their attendance at court, is thought too little, considering the great price of provisions and other necessar[ie][y]s,—

*Be it enacted by His Excellency the Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

Three shillings per diem for grand jurors.

[SECT. 1.] That the allowance of a grand juror, during his attendance on the court, and also for his necessary travel to and from the same, for the future, be three shillings per diem.

And whereas a great part of the business of the superiour court is often taken up in hearing and granting petitions for the sale of land, and no fee yet stated by law for the same,—

*And be it further enacted by the authority aforesaid,*

Judges' allowance for petitions.

[SECT. 2.] That the fee or allowance to the judges of the said court, on such petitions, be two shillings apiece to each judge present at the hearing of such petition, and no more. [Passed December 5.]

## CHAPTER 14.

AN ACT FOR ENABLING WILLIAM DUMMER, WILLIAM TAILER, SAMUEL SEWALL AND PEN TOWNSEND, ESQ<sup>RS</sup>., AND OTHERS, THE TRUSTEES OF THE PUBLIC LANDS IN HOPKINSTON, IN THE COUNTY OF MIDDLESEX, IN THE PROVINCE OF THE MASSACHUSETTS BAY IN NEW ENGLAND, TO MAKE LONG LEASES OF THE SAID LAND.

WHEREAS, his excellency, Samuel Shute, Esq<sup>r</sup> the honourable Joseph Dudley, William Dummer, William Tailer, Samuel Sewall and Penn

Townsend, Esq<sup>r</sup>. with many other the trustees of the legacy of the Honourable Edward Hopkins, Esq<sup>r</sup> deceased, stand seized of a large tract of land containing several thousand acres, known by the name of Hopkinston land, and lying within the town of Hopkinston in the county of Middlesex and province aforesaid, part thereof being purchased with the moneys given and bequeathed by the said Edward Hopkins, in and by his last will and testament, and ordered to be vested in a real estate, by a decree of the high court of chancery in England, for the use of Harvard College and the public school in Cambridge, in the county of Middlesex and province aforesaid, and the other part of the said tract of land given by the general assembly of this province to the said trustees for the same good and pious uses, ends and purposes with the legacy aforesaid, as may more at large appear by the decree and grant aforesaid, reference thereto being had; *and whereas* the said lands are yet wast and wilderness land, under no improvement, but very capable of bringing in an annual profit in case the same might be leased out for a considerable term of years; *and forasmuch* as some doubt hath arisen touching the power of the trustees, their demising or letting out the said land for a greater term than three lives, or twenty-one years: they being college and school lands; for the quieting and determination whereof,—

*Be it therefore declared and enacted by His Excellency the Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

That the said William Dummer, William Tailer, Samuel Sewall and Penn Townsend, Esq<sup>r</sup>. and others, the trustees of the said lands, or the major part of them, and their successors in the said trust, be, and hereby are, impowered at any time or times within the term of ten years next coming, to demise, lease and to farm lett the said tract of land, or any part thereof, for any number of years not exceeding ninety-nine years, upon such condition and under such reservations as may best answer the design of the said legacies and donations, and the trust reposed in the trustees; any law, usage or custom to the contrary notwithstanding. [*Passed December 3.*]

## CHAPTER 15.

AN ACT TO PREVENT ALL QUESTIONS AND DISPUTES ABOUT THE ELECTION OF TOWN OFFICERS FOR THE TOWN OF BARRINGTON IN THE COUNTY OF BRISTOL, AND FOR THE FURTHER QUIET SETTLEMENT OF THE SAID TOWN.

*Be it enacted by His Excellency the Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

That the election and choice of all the town officers made by the town of Barrington, by virtue of a warrant from Nathaniel Blagrove, Esq<sup>r</sup>. one of his majestie's justices of the peace for the county of Bristol, at their meeting on the tenth day of March, one thousand seven hundred and seventeen, be, and hereby is, confirmed and fully established, and all acts, orders and town votes passed in pursuance of said warrant shall be deemed good and valid; any law or usage to the contrary notwithstanding. [*Passed November 25.*]

NOTES.—The General Court held but two sessions this year. The second session, which continued until December 10, was then prorogued to March 13, and, on the 7th of March, again prorogued, by proclamation, to April 13, but, was dissolved by proclamation, April 2, 1720.

The engrossments of all the foregoing acts are preserved; and all, except chapters 6, 7, 14 and 15, were printed with the sessions acts.

The following are the titles of the private acts passed this year:—

“An Act to Enable Daniel Bartlett of Mendon to bring forward an Action of the Case between Nathaniel and Timothy Halloway of Taunton & the said Bartlett at the Superior Court next to be Holden at Bristol within & for the County of Bristol.”—[*Passed June 29.*]

“An Act to Enable Christopher Taylour of Boston to bring forward a new Tryal by Reviewing a Cause between the Executors of James Taylour Dec<sup>d</sup> and the said Christopher Taylour at the next Inferiour Court of Common Pleas to be held at Boston within the County of Suffolk.”—[*Passed November 19.*]

“An Act to Enable John Barrell of Boston to make sale of two several Tenements situated in Cornhill Street Boston to discharge a Mortgage by him & his late Wife made thereon.”—[*Passed December 8.*]

The first action of the Board of Trade upon the acts of this year, that has been discovered, was the reference, Oct. 15, 1724, of all but chapters 6, 7, 14 and 15, to Mr. West, ‘for his Opinion thereon in point of Law.’ They are included in the list of acts described as being such as ‘have not been already consider’d by the Board.’ Mr. West reported, May 20, 1725, a list of the titles of all the acts submitted to him, except chapter 5, with the statement that he had ‘no objection to their being passed into Law.’ As late as 1735 these acts were again considered by the Board and ordered ‘to ly by.’ See NOTES to 1726–7, *post*.

*Chap. 6.* “June 9. 1719. A Bill intituled An Act for Granting to his Majesty several Rates & Duties of Impost & Tunnage of Shipping.

In Council; Read a second Time, And the Question being put, Whether the Board pass a Concurrence on the Bill? It was carried in the Negative.

And Voted that the said Bill be Committed to Samuel Sewall, John Cushing, Thomas Fitch, Edmund Quincey & Jonathan Belcher Esq<sup>s</sup> in Order to have Amendm<sup>ts</sup> made thereon & Reported to the Board.”—*Council Records*, vol. X., p. 414.

“June 11. 1719 A Message came up from the House of Representatives to know what is done by the Board with Respect to the Impost Bill & Vote for a Tax.”—*Ibid.*, p. 418.

“June 12. 1719. The Comm<sup>rs</sup> appointed by an Order of the Board to Consider the Im-post Bill & what Amendm<sup>ts</sup> are proper to be made upon it, Reported as follows: Viz.,

The Committee appointed to consider the Impost Bill humbly offer the following Articles to be proposed to the Hon<sup>ble</sup> House of Representatives as Amendments to the Bill:—Imprimis, That those Words in the Preamble [Of which the Duties of Impost & Excise & Tunnage of Shipping were to be a Part] be left out; For that several Taxes on Polls & Estates Real & Personal appear to be the only Fund & Security of £15000 of the £16000 to be raised this Year;—Secondly, That the Article in these Words [For every Hundred Pounds Sterling English Merchandize prime Cost, Twenty Shillings] be left out, as also the Article of Powder or Eighteen Pence per Tun on Shipping, the Owners whereof do belong to Great Britain, For that We are humbly of Opinion the two last Clauses do nearly affect the Trade & Shipping of Great Britain & are contrary to his Majesties Royal Instruction to his Excellency the Govern<sup>r</sup> Dated Sept. 7, 1717, Which by his Majesties special Command hath been communicated to this General Assembly.

In Council; Read & Accepted & Voted that a Message go down to the House of Representatives by Samuel Sewall, Nathaniel Byfield, John Cushing, Thomas Fitch, Edmund Quincey & Jonathan Belcher Esq<sup>s</sup> with the said Report & a Proposal that a separate Bill be made for the Impost on English Goods & Tunnage of Shipping belonging to Great Britain to be pass’d according to the Restriction in his Majesties additional Instruction to the Governour.

A Message came up from the House by Oliver Noyes Esq<sup>r</sup> Charles Chambers Esq<sup>r</sup> Mr William Clark, Cpt. William Throop, Mr Nathaniel Coffin, John Foye Esq<sup>r</sup>, Major Thomas Tilestone, Mr Peter Haynes, Abraham Preble Esq<sup>r</sup>, & Joseph Lothrop Esq<sup>r</sup> That the House adhere to their Vote of the Tax of £3000 only, Because upon Calculation they find it sufficient with the other Funds to draw in the Sums laid on this Year, And that the House adhere to their Vote on the Impost Bill, The Impost being a Grant to his Majesty & so intermixt in the several Grants of the Court, that It cannot well be given up, And that the House cannot apprehend that His Majesties late Additional Instruction to the Governour can any Ways affect the Impost Bill.”—*Ibid.*, p. 419.

“June 13. 1719. In Council; Voted that a Conference be desired with the Honourable House of Representatives on the Subject Matter of the Impost Bill, the Vote for a Tax for this present Year & the Vote for Answering the Agents two last Letters.

In the House of Representatives; Read & Non-Concur’d.”—*Ibid.*, p. 429.

“June 16. 1719. In Council; Voted that a Message be sent down to the House of Representatives by Samuel Sewall, Nathaniel Byfield, Edmund Quincey & Paul Dudley Esq<sup>s</sup> To Desire that in the Preamble of the Impost Bill It may be more plainly express’d that but One Thousand Pounds of the £16000, have the Duties & Rates of Impost & Tunnage of Shipping for a Fund, That the Clause which says One Penny per Gallon on Rum & other distilled Spirits may be explained, And that the Vessels of New Hampshire may be exempted from the Duties of Tunnage as well as the Vessels of other Provinces in this Neighbourhood, And that It is the Opinion of the Board that an Impost on English Goods is inconsistent with his Majesties late Instruction to the Governour.

The Vote of the House for Answering the Agents Lett<sup>r</sup> Enter’d June 10, 1719.

In Council, Read & Concur’d with the following Amendment; Viz., Instead of the Words [Excepting such Articles as relate to the Allowing of Money] the following Words should be inserted; Viz., [Saying that the Clauses in the said Letters relating to Money have only a General Answer to this Purpose, That the Court will no Doubt have a reasonable & proper Consideration of them]

In the House of Representatives; Read & Non-Concur’d.”—*Ibid.*, p. 429.

“A Message came up from the House of Representatives by Oliver Noyes Esq<sup>r</sup> & Cpt



John Gardner with the Impost Bill amended in the Article as to Rum & that the House insist on the Rest of the Bill."—*Ibid.*, p. 430.

"June 17, 1719. A Bill entitled An Act for Granting to his Majesty several Rates & Duties of Impost & Tunnage of Shipping.

In Council: Read a second Time & Concur'd with the Amendment, Excepting the Duty of one per Cent. on English Goods.

In the House of Representatives; Read & Non-Concur'd And the whole Bill insisted on as last sent up A Message went down to the House of Representatives, That it is the Opinion of the Board, that It is most proper that the Impost on English Goods should be laid in a separate Bill, Which they are ready to come into.

A Message came up from the House of Representatives by Charles Chambers Esq<sup>r</sup> & Cpt. John Gardner, To know what is done on the Vote for Answering the Agents Letters, And to Desire that the said Letters may be sent down to the House."—*Ibid.*, p. 432.

"June 17, 1719. In Council: Voted that the Board adhere to their Exception on the Impost Bill;—And Voted that a Conference be desired with the Hon<sup>ble</sup> House of Representatives on the Subject Matter of the Duty laid on English Goods in the Impost Bill to be attended as soon as may be;—In the House of Representatives; Read & Concur'd, The Conference to be To-morrow.

In Council: Voted that the Hon<sup>ble</sup> Samuel Sewall, Addington Davenport, Thomas Fitch & Edmund Quincey Esq<sup>s</sup> be Managers for the Board at the said Conference."—*Ibid.*, p. 433.

"June 18, 1719. A Message went down to the House by the Secretary, That the Board is now ready to attend the Conference appointed to be this Morning upon the Subject Matter of the One per Cent. on English Goods laid in the Impost Bill And to Desire that the House would forthwith attend the same in the Council Chamber.

Mr Speaker and the House went up accordingly And after a considerable Time spent in the said Conference return'd to their Chamber."—*Ibid.*, p. 434.

"June 19, 1719. A Message came up from the House of Representatives, To Enquire, Whether the Board had pass'd on the Impost Bill, And if not to Desire it may be sent down.

A Message came up from the House of Representatives by Oliver Noyes Esq<sup>r</sup> & Mr William Clark that the House desire to see the Minutes of the Councils Advice to His Excellency the Governour, Relating to the Duty of One per Cent. on English Goods, Which was refer'd to in the Conference between the two Houses.

In Council: Voted that Addington Davenport & Thomas Hutchinson Esq<sup>s</sup> & Mr Secy. Willard go down to the House with the Report of the Committee appointed to make Amendm<sup>t</sup> on the Impost Bill, That the Secretary read the said Report & the Acceptance of it in Council, And the House be informed that there is no advice given to the Governour by the Council as to the Impost Bill or his Majesties Additional Instructions And that the said Report was refer'd to in the Conference."—*Ibid.*

"June 19, 1719. In the House of Representatives; The following Vote pass'd on the Impost Bill; Viz.,—

Voted that the word [English] in the second Page be changed into [European] & that the Bill so amended be adhered to; For that (If his Majesties late Instruction to his Excellency the Governour was entirely agreeable to the Liberties & Privileges granted in the Royal Charter, Yet) this House are of Opinion that the Direction therein respecting the Passing any Act, which may any ways affect the Trade or Shipping of Great Britain was not intended to be so extensive as to prohibit this Government from Laying a reasonable Duty on European Goods.

In Council: Read & Voted that a Message go down to the House of Representatives That the Board are of Opinion That the Words in the said Vote is a Parenthesis & beginning thus [that if his Majesties late Instruction] may be construed as not Carrying a due Respect to his Majesty, And therefore they pray that the same may be withdrawn."—*Ibid.*, p. 437.

"June 20, 1719. The Vote of the House on the Impost Bill As Enter'd Yesterday. In Council Read & Non-Concur'd."—*Ibid.*, p. 438.

"June 22, 1719. In the House of Representatives; The following Vote passed on the Impost Bill; Viz., Voted that the House insist on their Vote last sent up, Forasmuch as the Royal Charter of this Province gives Power to this Government to Impose & Levy proportionable & reasonable Assessments, Rates & Taxes upon the Estates & Persons of all or every of the Proprietors or Inhabitants of the same W<sup>ch</sup> this Government has been in the Free & Uninterrupted Exercise of ever since the Enjoyment of the said Charter. Sent to the Upper House for Concurrence.

In Council: Voted that a Message go down to the House of Representatives by John Clark & Samuel Thaxter Esq<sup>s</sup> that the Style of Upper House given to the Board in the last Vote of the House on the Impost Bill is new & unusual And therefore to desire that the said Words [Upper House] be withdrawn."—*Ibid.*, p. 440.

"June 23, 1719. A Message came up from the House of Representatives with the Impost Bill, And that the Reason of the new Form of the last Vote on the Impost Bill is the new & unusual Treatment, Which the House have lately received from the Hon<sup>ble</sup> Board."

"A Message went down to the House by Benjamin Lynde, Thomas Fitch & Samuel Thaxter Esq<sup>s</sup> That whereas in a Message this Day from the House of Representatives It was said that the Council had treated the House in a new & unusual Manner, they desire to be informed when—and wherein it has been—And that they are troubled any Difference should arise about the Style of that Part of the General Court which is called in the Charter the Council or Assistants especially when the Term (the Upper House) is perfectly new not known in the Charter nor ever before used in the Proceedings of the General Court so far as is known; And therefore they propose & and desire that the accustomed Form may be kept to in Votes & Messages."—*Ibid.*, p. 441.

"June 23, 1719. A Message came up from the House of Representatives by Oliver Noyes & Charles Chambers Esq<sup>s</sup> & M<sup>r</sup> Isaiah Tay in Answer to the last Message from



the Board;—First, It is new & unusual for the Council to give his Excellency their Advice upon a Bill till they have acted in Concert with the House in Concurring or Non-Concurring;—Secondly, it is likewise new & unusual for the Council to Desire a free Conference upon a Subject Matter & then upon the Management to inform the House that by a previous Vote they had so far engaged themselves that they could not recede from it;—Thirdly, It is a new & unusual Method for the Hon<sup>ble</sup> Board after a Message to the House Desiring several Amendments to a Bill of Rates & Duties, Which were in a great Measure Agreed to by the House, immediately to Non-Concur the Bill;—Fourthly, It is likewise new & unusual for the Hon<sup>ble</sup> Board to intermeddle so far with the Grants & Funds, Which this House takes to be their peculiar Province.”—*Ibid.*, p. 442.

“June 23. 1719. The Question was put, Whether the Board will now proceed to vote on the Bill entitled An Act for Granting unto his Majesty several Rates & Duties of Impost & Tunnage of Shipping? And it Pass’d in the Affirmative.

The Secretary went down to the House of Representatives, To Desire a Copy of their last Message relating to new & unusual Methods, And it was sent up.

The following Answer to the last Message of the House relating to new & unusual Methods of the Board, consisting of four Articles was read Article by Article & Voted in Council; Viz.,

The Board taking into Consideration a Message from the Hon<sup>ble</sup> House of Representatives consisting of four Articles, answer as follows; Viz.,

First, As to the first Article, They declare that the House have proceeded upon a Mistake, Wh<sup>ch</sup> they are of Opinion doth fully appear in a Message from this Board by Addington Davenport & Thomas Hutchinson Esq<sup>rs</sup> & Mr Secretary Willard the nineteenth Current as also by an Answer then given by the Board to a Message by Dr Noyes & Mr Clark, The Board having only Acted in the Affair of the Impost Bill as they are Members of the Great & General Court or Assembly.

Secondly, As to the second Article, Whatever might be said by any Manager for the Board at the Conference, which gave Occasion to the House to suppose that the Board was so far engaged by a previous Vote, that they could not recede from it, The same was not only explained at the Conference, but also afterwards more fully to intend no such Thing, by a Message from the Board; And therefore the Board do not expect to hear anything more upon that Head.

Thirdly, As to the third Article, The Board did indeed propose several Amendments, some of which were complied with but others very material were not, And they suppose it not new or unusual to Non-Concur Bills sent us from the Hon<sup>ble</sup> House. And the Board choose rather to have the Vote on the Bill well & rightly worded before they pass’d their Concurrence or Non-Concurrence, And are of Opinion that such a Practice is just, proper & usual; And as to the Dispatch of the Board in their vote of Non-Concurrence, They are of Opinion that they did not improperly therein, The Bill being ready for a Vote, & the House having sent many Messages to enquire what was done thereon.

Fourthly, As to the fourth Article, It is answered, That it has been usual for the Board to have a Conference with the House on Money Bills, And the House have often thereupon made Amendments to such Bills, as may be seen by the Originals on File And this being only a Bill in Performance of the Promises & Engagements of the General Court in the Years 1713, 1715, & 1716 for Drawing in Part of the £16000, The Board are equally engaged with the House to see the same punctually perform’d in such a Method as is most probable to obtain the Royal Approbation.”—*Ibid.*

“June 24. 1719. In Council, Voted that Penn Townsend, Samuel Patridge, Samuel Brown Esq<sup>rs</sup> & Mr Secretary Willard carry the Answer of the Board voted yesterday as to new & unusual Methods down to the House of Representatives, And that the Secretary read the same in the House.

In Council; Voted the following Message to the House of Representatives by Benjamin Lynde, Jonathan Dowse & Samuel Thaxter Esq<sup>rs</sup> Viz.,

The Board taking into their serious Consideration the many Differences, Debates & Messages that have been & pass’d between the Council & the Hon<sup>ble</sup> House of Representatives, Referring to an Impost of One per Cent. on British or European Goods together with his Majesties late Additional Instruction & being sensible the said differences, Debates & Messages have been for the most Part not only without any good Effect, but have rather increased a Misunderstanding in the General Court & very much retarded the necessary Affairs of the Government, besides the Loss of Time occasioned thereby & the Charge accruing to the Province & the several towns therein, & also much Damage to the Members of the Court at this Season of the Year, Do therefore earnestly desire that an End may be put to any further Differences, if it may be, And that We all may diligently endeavour the Bringing the Business of the Court to such an happy Conclusion as may promote his Majesties Honour & the Welfare of his good Subjects throughout this Province.”—*Ibid.*, p. 444.

“June 24. 1719. In the House of Representatives: Voted that a Bill be prepared to Continue the Act for Granting to his Majesty several Rates & Duties of Impost & Tunnage of Shipping untill the End of the Session of this Court in Autumn next, Saving that a Clause be inserted to exempt all British Vessels from the Duties of Tunnage.

In Council; Read & Non-Concur’d.”—*Ibid.*, p. 445.

“June 26. 1719. A Message went down to the House of Representatives by the Secretary, That His Excellency orders the House forthwith to attend him in the Council Chamber.

Mr Speaker & the House being come up, His Excellency spake to the House as follows; Viz.,

Gentlemen, My Design in Sending for you at this Time is to lett you know How Concern’d I am at the unhappy Differences which have been for many Days between the Council & your House relating to the Impost Bill & to assure you that no Person here present can be more desirous than I am of preserving the Privileges of this People than myself so far as is consistent with the late Instruction I have received from my Royal

Master, Which hath by his special Direction been laid before this Court; I am fully persuaded that to act any Ways contrary thereto after the many Debates & Votes which have been upon that Head, would rather destroy than preserve those Privileges which We so justly prize.

Gentlemen, I desire your serious Consideration of what I have hinted, That so the important Affairs of the Province yet lying before you may have a speedy & happy Conclusion.

After his Excellencies Speech was ended, Mr Speaker & the House returned to their Chamber."—*Ibid.*, p. 447.

"June 27, 1719. A Bill entitled an Act for Granting unto his Majesty several Rates & Duties of Impost & Tunnage of Shipping: Having been Read twice in the House of Representatives and Pass'd to be Engross'd.

In Council: Read twice & Pass'd a Concurrence."—*Ibid.*, p. 449.

"June 27, 1719. In the House of Representatives, June 16, 1719; Whereas this House have Voted that the Vessels belonging to Great Britain shall be exempted from the Duty of Tunnage in the Bill entitled An Act for Granting to his Majesty several Rates & Duties of Impost & Tunnage of Shipping Whereby the Sum to be raised by the said Act will be lessened; Voted that Four Thousand Pounds of the Sixteen Thousand Pounds granted in the Years 1713, 1715 & 1716 be raised by a Tax on Polls & Estates this present Year and no more. And that the Duties of Impost & Tunnage of Shipping & the Excise together with the Income of the Bills let out & the Light House be a Fund & Security for the Drawing in the Remaining Twelve Thousand Pounds.

In Council: Read & Concur'd:— Consented to, SAMUEL SHUTE."

—*Ibid.*, p. 449.

"June 29, 1719. In Council: Voted that the following Message go down to the House of Representatives by Sam<sup>l</sup> Sewall, Penn Townsend, Addin Davenport Esq<sup>r</sup> & Mr Secy. Willard & be read by the Secy. to the House; Viz.,

Mr Speaker, His Majesties Council of this Province understanding that this Hon<sup>ble</sup> House on Fryday last pass'd a Vote or Resolve which if it appears in Print may oblige them in their own Vindication to make a Reply thereunto But being desirous that the different Opinions that have happen'd at this Court relating to our Impost Bill may not be again revived having been already made too publick, as they conceive; And in as much as the General Court or Assembly have at length happily agreed together on a Bill of Impost & The Board do therefore think it convenient to recommend it to the Consideration of the House Whether it may not be better to wholly suppress the Publishing any Thing which may carry or bear a Reflection on any Part of the Court and be improved by those who are not our best Friends to our Disadvantage."—*Ibid.*

"June 29, 1719. In Council, Voted unanimously that Sam<sup>l</sup> Sewall, John Clark, Thomas Fitch; Edmund Quincey & Paul Dudley Esq<sup>r</sup> be a Committee to answer the Preamble of the Vote of the House for Printing in a new Impost Bill."—*Ibid.*, p. 450.

"June 30, 1719. An Engross'd Bill entitled An Act for Granting unto his Majesty several Rates & Duties of Impost & Tunnage of Shipping.

Having been Read three several Times in the House of Representatives & in Council; Pass'd to be Enacted by both Houses And sign'd by his Excellency the Governour."—*Ibid.*

"June 30, 1719. Sannell Sewall Esq<sup>r</sup> from the Committee appointed yesterday Reported an Answer to the Charge of the House in the Preamble of their Vote for a new Impost Bill, And the said Answer was Accepted in Council & Voted that Penn Townsend, John Appleton Sam<sup>l</sup> Patridge Nath<sup>l</sup> Payne Esq<sup>r</sup> & Mr Secy. Willard go down to the House of Representatives with the said Answer: W<sup>ch</sup> is as follows; Viz.,

The Board are very much concern'd to find among the Votes of the Hon<sup>ble</sup> House a Declaration As if the Council in Non-Concurring the Bill of Impost, as it was first framed 'Had done that whereby a considerable Part of the Revenue which would have accrue'd to this Province is for this present Session foregone, which also tends to the Depriving this Government of their just Rights Powers & Privileges granted by the Royal Charter.'

The Declaration contains or implies such a Charge as the Council can by no means suffer themselves to ly under without Asserting & solemnly Declaring their Integrity And they are more surprized at the Imputation of Doing a Thing which tends to the Depriving this Government of their just Rights, Powers & Privileges granted by the Royal Charter When on the twenty third current the Board sent down a Message to the Hon<sup>ble</sup> House 'That they were always ready & desirous to Concur with the House of Representatives in such Proposals relating to an Impost as may not tend to expose or alter our present happy Constitution under the Royal Charter.'

So that it was from a sincere & just Regard to the Rights, Powers & Privileges of this Government granted by the Royal Charter that the Council chose rather to omit the Duty of One per Cent. on English Goods for this Session: That the Council apprehended that the Duty of One per Cent. on English Goods affected the Trade of Gt. Britain & so is within his Majesties late additional Instruction, is certain, And being of that Opinion It would be inconsistent for the Board to concur with the Impost Bill as first sent up; However they can boldly & truly say, That in the Whole of their Proceedings on this Occasion, they have acted from a Principle of Duty to his Majesty, Love & Fidelity to their Country, And have Nothing more at Heart than the just, wise & careful Preservation of those invaluable Rights, Powers & Privileges granted by the Royal Charter, W<sup>ch</sup> God long continue."—*Ibid.*, p. 451.

Chapter 10. "June 4, 1719 In Council, Voted that the Hon<sup>ble</sup> the Judges of the Probate of Wills that are Members of this Board be a Committee to prepare & bring in a Bill for the Remedying the several Difficulties that are in their Office."—*Council Records*, vol. X., p. 405.

(a.) "June 30, 1719. In the House of Representatives; Resolved that the Treasurer

be & hereby is Directed & Impowered to issue forth & Emitt the Sum of Five Thousand Pounds of the Bills of publick Credit that are or shall be received into the Treasury for Payment of the publick Debts of the Province already contracted for the Defence & Support of the Government & the necessary Protection & Preservation of the Inhabitants of this Province & for Subsisting of Forts & Garrisons & Wages arising for their Service, For Payment of Grants, Salaries & Allowances made or to be made by this Court, according to such Draughts as shall from Time to Time be made upon him by Warrant or Order of the Governour or Commander in Chief for the Time being by & with the Advice and Consent of the Council; And the said Bills shall pass out of the Treasury at the Value therein express'd equivalent to Money & shall be Accepted & taken in all publick Payments at the Advance & after the Right of Five per Cent. more:

And as a Fund & Security for the same there be & hereby is granted to his most Excellent Majesty for the Ends & Uses aforesaid a Tax of Five Thousand Pounds, Three Thousand Pounds thereof to be levied upon Polls & Estates both Real & Personal within this Province according to such Rules & in such Proportion upon the several Towns & Districts within the same as shall be Agreed on & Ordered by the Great & General Court or Assembly of this Province at their Session in May 1721 & paid into the Treasury on or before the last Day of December next after, The remaining Two Thousand Pounds to be levied as aforesaid at the Session of this Court in May 1723 & paid into the Treasury on or before the last Day of December next after.

And that the Duties of Impost & Excise be a further Fund & Security for the Repayment & Drawing in the said Bills into the Treasury again. In Council; Read & Concurr'd  
Consented to, SAM<sup>LL</sup> SHUTE."

—*Council Records, vol. X., p. 452.*

(b.) "Dec. 1, 1719. In the House of Represent<sup>es</sup> Nov. 19, 1719. Resolved that the Sum of Two Thousand Pounds of Bills of publick Credit on this Province be further & forthwith made, One Thousand Pounds thereof to be printed off from the Middle Plate & One Thousand Pounds thereof from the lowest Plate by the Committee that made the last Bills, to be paid therefor as for the last Bills they made That they deliver them to the Treasurer Taking his Receipt for the same; That the Treasurer be & hereby is Directed to Issue forth and Emit the said Two Thousand Pounds of Bills together with Eight Thousand Pounds more of Bills of publick Credit that are or shall be received into the Treasury for Payment of the publick Debts of the Province already contracted for the Defence & Support of the Government & the necessary Protection & Preservation of the Inhabitants of this Province & for Subsisting of Forts & Garrisons & Wages arising for their Service. For Payment of Grants, Salaries & Allowances made & to be made by this Court according to such Draughts as shall be made on him from Time to Time by Warrant or Order of the Governour or Commander in Chief for the Time being by and with the Advice & Consent of the Council; And that the said Bills shall pass out of the Treasury at the Value therein express'd equivalent to Money, And shall be taken & Accepted in all publick Payments at the Advance & after the Rate of Five Pounds per Cent. more.

And as a Fund & Security for the same there be & hereby is granted to his most Excellent Majesty to the Ends & Uses as aforesaid a tax of Ten Thousand Pounds to be levied on Polls & Estates both Real & Personal within this Province according to such Rules & in such Proportion upon the several Towns & Districts within the same as shall be Agreed on & Ordered by the Great & General Court or Assembly of this Province at their Session in May 1723, And paid into the Treasury on or before the last Day of December next after.

In Council; Read & Concurr'd—  
—*Ibid., p. 506.*

Consented to, SAM<sup>LL</sup> SHUTE."

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ACTS,  
PASSED 1720-21.

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# ACTS

PASSED AT THE SESSION BEGUN AND HELD AT BOSTON  
ON THE THIRTEENTH DAY OF JULY, A.D. 1720.

## CHAPTER 1.

AN ACT FOR ALTERING THE TIME FOR HOLDING THE SUPERIOUR COURT  
OF JUDICATURE, COURT OF ASSIZE, AND GENERAL GOAL DELIVERY,  
WITHIN THE COUNTIES OF ESSEX, HAMPSHIRE AND YORK.

WHEREAS, the time appointed by law for holding the superiour court of judicature, court of assize and general goal delivery for the county of Essex; viz., at Salem, on the second Tuesday of November yearly, for the most part interferes with the sessions of the general assembly, and the justices of the said superiour court are obliged to make an adjournm<sup>en</sup>t of the said court into the winter season, to the great hardship both of the court and county; and whereas the time by law appointed for holding the superiour court of judicature, court of assize and gen[era]l goal delivery, for the county of Hampshire; viz., at Springfield, on the next Thursday in September after the week appointed for holding the superiour court of judicature, &c., at Bristol: which, considering the great distance between the two counties, and the want of time, very often, at Bristol, to finish the business of that county, may prove of great inconvenience, if not remedied; and whereas the time by law appointed for holding the superiour court of judicature, court of assize and gen[era]l goal delivery, for the county of York, at York, yearly, is not to begin until the Thursday; which, considering the increase of business of that county, and the setting of the superiour court of judicature, &c., at Ipswich, for the county of Essex, on the very next Tuesday following, is found too far in the week for the beginning of the court, and of great disservice to his majest[y][ie]'s government and people in that part of the province,—

*Be it therefore enacted by His Excellency the Governour, Council and Representatives in Gen[era]l Court assembled, and by the authority of the same,*

[SECT. 1.] That the said superiour court of judicature, court of assize and gen[era]l goal delivery at Salem, for the county of Essex, shall be, from henceforward, held at Salem, for the county of Essex, on the last Tuesday of October yearly.

*Be it also enacted,*

[SECT. 2.] That the said superiour court of judicature, court of assize and gen[era]l goal delivery at Springfield, for the county of Hampshire, shall be, from henceforward, held at Springfield, for the county of Hampshire, on the fourth Tuesday of September yearly.

*And be it further enacted,*

[SECT. 3.] That the superiour court of judicature, court of assize and gen[era]l goal delivery at York, for the county of York, shall

1689-1700, chap. 10, § 2.

1717-18, chap. 8, § 1.

1689-1700, chap. 3, § 2.



and be, from henceforward, held at York, for the county of York, in the month of May yearly, on the Wednesday next immediately preceding the time appointed by law for holding the superiour court of judicature, &c., at Ipswich, for the county of Essex.

*And be it further enacted by the authority aforesaid,*

[SECT. 4.] That all appeals, reviews, recognizances, warrants or other process, already issued, taken or filed, which are to be heard and tried at the respective towns of Salem, for the county of Essex; Springfield, for the county of Hampshire; York, for the county of York; according to the respective times or days already appointed by law, shall not fail or be discontinued, but be obligatory, continued over, held good and valid, to all intents [and] [or] purposes in the law, to and at the respective times and days set and appointed by this act; and all officers, and other persons whatsoever therein concerned, are to conform themselves accordingly; any law[s], usage or custom to the contrary notwithstanding. [*Passed July 19; published July 25.*]

## CHAPTER 2.

### AN ACT TO REGULATE THE PRICE AND ASSIZE OF BREAD.

1706, chap. 9.

WHEREAS the act made and passed in the eighth year of King William the Third, entituled “An Act for the due assize of bread,” is found not effectual for the good ends and purposes therein designed, and little or no observance has been made thereof, but covetous and evil-disposed persons have, for their own gain, deceived and oppressed his maj[es]ty’s subjects, more especially the poorer sort; for remedy whereof,—

*Be it enacted by His Excellency the Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

Act for the due  
assize of bread  
repealed.

[SECT. 1.] That the said act, entituled “An Act for the due assize of bread,” shall be and is hereby repealed, annulled and made void; and that, after the tenth day of September next, the selectmen of each town within this province, where bread is baked for sale, shall, once every month, and oftner if they see cause, set, ascertain and appoint, within their several towns, the assize and weight of all sorts of bread to be sold, or exposed to sale, by any baker or other person whatsoever, having respect to the price the grain, meal or flower, whereof such bread shall be made, shall bear in or about the town or place where such assize shall be set, and making reasonable allowance to the bakers for their charges, pains and livel[i][y]hood; and shall make known their said regulation of the assize of bread in some open and publick place or places in their respective towns.

Assize of bread  
to be ascer-  
tained.

And, that the said assize may be the more easily ascertained,—

*Be it enacted by the authority aforesaid,*

Sorts of bread  
to be allowed.

[SECT. 2.] That, from and after the said tenth day of September, no person or persons whatsoever shall make for sale, or sell, or expose to sale any sort or sorts of bread but such as are hereinafter mentioned; that is to say, white, wheaten and household, and such other sort or sorts as shall be publickly licensed and allowed by the said selectmen in their several and respective towns; all which several sorts of bread shall be made in their several and respective degrees, according to the goodness of the grain whereof the same are or ought to be made; and the assize and weight of the said white, wheaten and household bread shall be set and ascertained, according to the table hereafter mentioned; vizt.,—

**A TABLE OF THE ASSIZE OF BREAD, IN POUNDS, OUNCES AND DRAMS.** In the first and last columns is the price of the bushel[] of wheat, from 4s. to 15s., the allowance to the baker for baking, to be made by the selectmen, being included; so that, for example, if the price of wheat be 5s. the bushel, and the selectmen allow 1s. 6d. per bushel for baking, the price in the table will be 6s. 6d.; and, even with or against these numbers, in the first and last columns, will be found the weight of the several loaves, avertedpois.

*NOTE.*—That the white loaves are one-half, and the wheaten three-quarters of the weight of household loaves.

The Price of the Bushel of Wheat, and Baking.	WEIGHT OF THE PENNY LOAF.						WEIGHT OF THE TWO-PENNY LOAF.						WEIGHT OF THE SIX-PENNY LOAF.						WEIGHT OF THE TWELVE-PENNY LOAF.						The Price of the Bushel of Wheat, and Baking.	
	WHITE.			WHEATEN.			HOUSEHOLD.			WHITE.			WHEATEN.			HOUSEHOLD.			WHEATEN.			HOUSEHOLD.				
	OUNCES.		DRAMS.	OUNCES.		DRAMS.	OUNCES.		DRAMS.	OUNCES.		DRAMS.	OUNCES.		DRAMS.	OUNCES.		DRAMS.	OUNCES.		DRAMS.	OUNCES.		DRAMS.		
	11	10	9	17	15	14	23	20	18	34	30	27	46	41	38	6	5	4	11	9	8	17	15	14		6
4s.	11	10	9	17	15	14	23	20	18	34	30	27	46	41	38	8	7	6	11	9	8	13	12	11	6	4
5	9	8	7	16	14	13	22	19	17	33	29	26	45	40	37	7	6	5	10	9	8	14	13	12	7	6
6	8	7	6	15	13	12	21	18	16	32	28	25	44	39	36	6	5	4	9	8	7	15	13	12	4	5
7	7	6	5	14	12	11	20	17	15	31	27	24	43	38	35	5	4	3	8	7	6	14	12	11	3	6
8	6	5	4	13	11	10	19	16	14	30	26	23	42	37	34	4	3	2	7	6	5	13	11	10	2	7
9	5	4	3	12	10	9	18	15	13	29	25	22	41	36	33	3	2	1	6	5	4	12	10	9	1	8
10	4	3	2	11	9	8	17	14	12	28	24	21	40	35	32	2	1	0	5	4	3	11	9	8	0	9
11	3	2	1	10	8	7	16	13	11	27	23	20	39	34	31	1	0	0	4	3	2	10	8	7	0	10
12	2	1	0	9	7	6	15	12	10	26	22	19	38	33	30	0	0	0	3	2	1	9	7	6	0	11
13	1	0	0	8	6	5	14	11	9	25	21	18	37	32	29	0	0	0	2	1	0	8	6	5	0	12
14	0	0	0	7	5	4	13	10	8	24	20	17	36	31	28	0	0	0	1	0	0	7	5	4	0	13
15	0	0	0	6	4	3	12	9	7	23	19	16	35	30	27	0	0	0	0	0	0	6	4	3	0	14

—and, to the intent that the good design of this act may be effectually complied with,—

*Be it further enacted,*

Bread to be  
marked.

[SECT. 3.] That every common baker, and any person that shall bake or make for sale, or expose to sale, any sort of loaf-bread or bisket, that shall be sold by tale, shall from and after the said tenth day of September, fairly mark or imprint, or cause to be mark'd or imprinted, such distinct mark as shall be appointed or allowed by the selectmen, so that their bread may be known and distinguished.

*And be it further enacted by the authority aforesaid,*

Penalty for  
breach of this  
act.

[SECT. 4.] That if any baker or bakers, or other person or persons baking or making bread for sale, or exposing bread to sale, shall not observe the assize to be ascertained by virtue of this act, or shall bake or make for sale, or sell or expose to sale, any bread wanting the due weight, or that shall not be marked according to the direction of this act, or shall break such regulations and orders as shall, from time to time, be made by virtue of this act, he or they so doing, and being thereof convicted, by confession of the party, or by the oath of two or more credible witnesses, before one or more of his majesty's justices of the peace for the county where the said offence is committed, or the party offending apprehended, shall, for every such offence, forfeit the sum of twenty shillings, to be levied by way of distress upon the goods and chatt[el][le]s of every such offender, by warrant from the said justice or justices; the said forfeitures to be the one half towards the support of the poor of the town where such offence shall be committed, and the other half to the informer.

[SECT. 5.] And if any baker or seller of bread shall put into any bread, by him sold or exposed to sale, any mixture of any other grain than what shall be appointed by the assize, settled in the place where such bread shall be so sold or exposed to sale, every person so offending shall, for every such offence, forfeit the sum of twenty shillings, to be recovered in the manner and form hereinbefore mentioned, and to be for the uses aforementioned.

*Provided, always,*

Proviso.

[SECT. 6.] That no person shall be convicted, in manner aforesaid, for any of the aforementioned offences, unless the prosecution in order to such conviction be commenced within five days next after the offence committed.

*Provided also, and be it further enacted,*

Proviso for  
appeal.

[SECT. 7.] That if any person so convicted, shall think him- or herself aggrieved, he or they shall and may make his or her appeal to the next quarter sessions of the peace for the county where such conviction shall be made, at which sessions the same shall be heard and finally determined; and if the said person, so appealing, shall not make good such his or her appeal, or prosecute it with effect, the said court of sessions shall award such costs as they shall think reasonable to the prosecutor or informer, and commit the offender to the common goal until he or she shall make payment of the said costs, and also of the penalty adjudged on the conviction; but in case the appell[an]t shall make good his or her appeal, and be discharged of his or her said conviction, the like reasonable costs shall be awarded for the appell[an]t against such informer or prosecutor.

Penalty for  
justice's neglect  
of duty.

[SECT. 8.] And if any justice of the peace shall, on any information made to him of any offences committed against this act, wilfully and wittingly omit the performance of his duty thereupon in the execution of this act, he shall forfeit the sum of forty shillings, to be recovered by action, bill, plaint or information, in any of his majesty's courts of

record in the county where he doth reside, wherein no essoign, protection or wager of law shall be allowed.

And, that the good design of this act may be the more effectually accomplished,—

*Be it further enacted by the authority aforesaid,*

[SECT. 9.] That it shall and may be lawful to and for any of his majesty's justices of the peace, or any one of them, within their respective count[ie][y]s, and any of the selectmen, or any one of them, in their respective towns, or any two of the clerks of the market, at all times hereafter, in the day-time, to enter into any house, stall, bake-house, out-house or warehouse, belonging to any baker or seller of bread, there to search for, view, weigh or try all or any the bread of such person, or which shall there be found; and if any bread shall there be found wanting, either in the goodness of the stuff whereof the same shall be made, or in the due working or baking thereof, or shall be deficient in the due weight, or shall not be truly marked, according to the directions of this act, or shall be of any other sort than shall be allowed by virtue of this act, that then, and in every such case, it shall and may be lawful to and for such justices or justice of the peace, or selectmen or selectman, or any two clerks of the market, to seize and take the said bread so found, and cause the same to be forthwith given and distributed to the poor of the town where such seizure shall be made. And if any baker or seller of bread, or other person or persons, shall not permit or suffer such search or seizure to be made by v[er]tue of this act, or shall oppose, hinder or resist the same, he or they, so doing, shall, for every such offence, forfeit the sum of three pounds, to be disposed of as the other fines, and to be had and recovered in the summary manner and form hereinbefore first mentioned.

Office as to try and weigh bread.

Forfeiture of bread to the poor.

*Provided, always,*

[SECT. 10.] That a proper allowance be made for the drying of basket, yet never to exceed two ounces for drying, at the lowest price of wheat, and so proportionably. [*Passed July 23; published July 25.*]

## CHAPTER 3.

### AN ACT FOR GRANTING UNTO HIS MAJESTY SEVERAL RATES AND DUTIES OF IMPOST AND TUNNAGE OF SHIPPING.

WE, his majesty's loyal and dutiful subjects, the representatives of his majesty's province of the Massachusetts Bay in New England, considering the necessity of calling in the sum of seventeen thousand pounds, granted to her late, and his present, majesty by bills emitted at the several sessions *annis* 1714 and 1717, to be levied and collected in this present year, have chearfully and unanimously given and granted, and do hereby give and grant unto his most excellent majesty, to the ends, use and intent afores<sup>d</sup>, and for no other use; the several duties of impost upon wines, liquors, goods, wares and merchandize that shall be imported into this province, and tunnage of shipping hereafter mentioned and expressed, for calling in the sum of twenty-five hundred pounds, part of the said sum of seventeen thousand pounds abovementioned; and pray that it may be enacted,—

*And be it accordingly enacted by His Excellency the Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

[SECT. 1.] That after the publication of this act there shall be paid by the importer of all wines, liquors, goods, wares and merchandize

that shall be imported into this province from the place of their growth (salt, cotton-wool, provision and every other thing of the growth and produce of New England excepted), the several rates and duties of impost following; viz<sup>t</sup>,—

For every pipe of common wine of the Western Islands, twenty shillings.

For every pipe of Canary, twenty-five shillings.

For every pipe of Madera or Passada, twenty shillings.

For every pipe of other sorts not mentioned, twenty shillings.

For every hogshead of rum, containing one hundred gallons, twenty shillings.

For every hogshead of sugar, two shillings.

For every hogshead of mollasses, one shilling.

For every hogshead of tobacco, five shillings.

For every ton of logwood, three shillings.

And so proportionably for greater or lesser quantities.

For all other commodities, goods or merchandize not mentioned or excepted, one penny for every twenty shillings' value; all goods imported from Great Britain excepted.

[SECT. 2.] And for any of the above wines, liquors, goods, wares, merchandize, &c., that shall be imported into this province from any other ports than the places of their growth and produce, there shall be paid by the importer double the value of impost appointed by this act to be received for every species abovementioned, unless they do *bona fide* belong to the inhabitants of this province and come upon their risque from the port of their growth.

*And be it further enacted by the authority afores<sup>d</sup>,*

[SECT. 3.] That all the afores<sup>d</sup> imposts, rates and duties shall be paid in currant money, or in the bills of credit of this province, by the importer of any wines, liquors, goods or merchandize, unto the commissioner and receiver, to be appointed as is hereinafter directed, for entring and receiving of the same, at or before the landing of any wines, liquors, goods or merchandize; only the commissioner or receiver is hereby allowed to give credit to such person or persons where his or their duty of impost in one ship or vessell doth exceed the sum of ten pounds; and in case where the commissioner or receiver shall give credit, he shall settle and ballance his accounts with every person so that the same accounts may be ready to present to this court in May next; and all entries, where the impost or duty to be paid doth not exceed four shillings, shall be made without charge to the importer, and not more than sixpence to be paid for any other single entry to what value soever.

*And be it further enacted by the authority afores<sup>d</sup>,*

[SECT. 4.] That all masters of ships or other vessells coming into any harbour or port within this province from beyond sea, or from any other province or colony, before bulk be broken and within twenty-four hours after his arrival in such harbour or port, shall make a report to the commissioner or receiver of the impost, to be appointed as is hereafter mentioned, of the contents of the lading of such ship or vessell, without any charge or fee to be demanded or paid for the same; which report such master shall give in to the said commissioner or receiver under his hand, and shall therein set down and express the quantities and species of the wines, liquors, goods and merchandizes laden on such ship or vessell, with the marks and numbers thereof, and to whom the same is consigned, and also make oath that the said report or manifest of the contents of his loading, so to be by him given in under his hand as afores<sup>d</sup>, contains a just and true account, to the best of his knowledge, of the whole lading taken on board and imported in the said vessell, from the port or ports such vessell came from, and that he hath not broken



bulk nor delivered any of the wines, rum or other distilled liquors or merchandizes loaden on said ship or vessel, directly or indirectly, and that if he shall know of any more wines, liquors, goods or merchandize to be imported therein, before the landing thereof, he will cause it to be added to his manifest, which manifest shall be agreeable to a printed form made for that purpose, which is to be filled up by the said commissioner or receiver, according to each particular person's entry; which oath the commissioner or receiver is hereby empowered to administer, after which such master may unload, and not before, on pain of one hundred pounds, to be forfeited and paid by each master that shall neglect his duty in this behalf.

*And be it further enacted by the authority aforesd,*

[SECT. 5.] That all merchants, factors or other persons, importers, being owners of, or having any of, the wines, liquors, goods or merchandizes consigned to them, that by this act are lyable to pay impost or duty, shall, by themselves or order, make entry thereof in writing, under their hands, with the said commissioner or receiver, and produce unto him the original invoice of all such goods as pay *ad valorem*, and make oath thereto in manner following:—

You, A. B., do swear that the entry of the goods and merchandize by you now made, contains the true value, agreeable to the original invoice herewith exhibited, and that, according to your best skill and judgment, is not less than the real cost thereof. So help you God.

—and pay the duty and impost by this act required, before such wines, liquors, goods, wares or merchandize be landed or taken out of the vessel in which the same shall be imported, on pain of forfeiting all such wines, liquors, goods, wares or merchandize so landed or taken out of the vessel in which the same shall be imported.

[SECT. 6.] And no wines, liquors, goods, wares or merchandizes that by this act are lyable to pay impost or duty, shall be landed on any wharff, or into any warehouse or other place, but in the day-time only, and that after sunrise and before sunset, unless in the presence of, and with the consent of, the commissioner or receiver, on pain of forfeiting all such wines, liquors, goods, wares and merchandize, and the lighter, boat or vessel out of which the same shall be landed or put into any warehouse or other place; which abovesaid oath the commissioner or receiver is hereby empowered to administer.

[SECT. 7.] And if any person or persons shall not have and produce an invoice of the quantities of rum or liquors to him or them consigned, then the cask wherein the same is shall be gaged at the charge of the importer, that the quantity thereof may be known.

*And be it further enacted by the authority aforesd,*

[SECT. 8.] That every merchant or other person, importing any wines into this province, shall be allowed twelve per cent for leakage, provided such wines have not been filled up on board; and that every hogshead, butt or pipe of wine that hath two third parts thereof leaked out, shall be accounted for outs, and the merchant or importer to pay no impost or duty for the same; and no master of any ship or vessel shall suffer any wines to be filled up on board without giving a certificate of the quantity so filled, under his hand, before the landing thereof, to the commissioner or receiver of the impost in such port, on pain of forfeiting the sum of fifty pounds.

[SECT. 9.] And if it be made appear that any wines, imported in any ship or vessel, be decayed at the time of unlading thereof, or in twenty days afterward, oath being made before the commissioner or receiver that the same hath not been landed above that time, the duties and impost paid for such wines shall be repaid unto the importer thereof.



*And be it further enacted by the authority afores<sup>d</sup>,*

[SECT. 10.] That the master of any ship or vessel importing any wines, liquors, goods, wares or merchandize shall be lyable to, and shall pay the impost for such and so much thereof contained in his manifest, as shall not be duly entred, nor the duty paid for the same by the person or persons to whom such wines, liquors, goods, wares or merchandize are, or shall be, consigned; and it shall and may be lawfull to and for the master of every ship or other vessel to secure and detain in his hands, at the owner's risque, all such wines, liquors, goods, wares or merchandize imported in such ship or vessel, until he shall receive a certificate, from the commissioner or receiver of the impost, that the duty for the same is paid, and until he be repaid his necessary charges in securing the same; or such master may deliver such wines, liquors, goods, wares or merchandize as are not entred, unto the commissioner or receiver of the impost in such port, or his order, who is hereby impowered and directed to receive and keep the same at the owner's risque, until the impost thereof, with charges, be paid, and then to deliver such wines, liquors, goods, wares or merchandize as such master shall direct.

*And be it further enacted by the authority afores<sup>d</sup>,*

[SECT. 11.] That the commissioner or receiver of the impost in each port shall be, and hereby is, impowered to sue the master of any ship or vessel for the impost or duty for so much of the lading of any wines, liquors, goods, wares and merchandizes imported therein, according to the manifest by him to be given, upon oath, as afores<sup>d</sup>, as shall remain not entred, and the duty or impost thereof not paid; and where the goods, wares or merchandize are such as that the value thereof is not known, whereby the impost to be recovered of the master for the same cannot be ascertained, the owner or person to whom such goods, wares or merchandizes are, or shall be, consigned, shall be summoned to appear as an evidence at the court where suit for the impost and duty thereof shall be brought; and be there required to make oath to the value of such goods, wares or merchandizes.

*And be it further enacted by the authority afores<sup>d</sup>,*

[SECT. 12.] That the ship or vessel, with her tackle, apparel and furniture, the master of which shall make default in anything by this act required to be performed by him, shall be lyable to answer and make good the sum or sums forfeited by such master, according to this act, for any such default; as also to make good the impost or duty for any wines, liquors, goods, wares or merchandizes not entred, as afores<sup>d</sup>, and, upon judgment recovered against such master, the said ship or vessel, or so much of the tackle or appurtenances thereof as shall be sufficient to satisfy said judgment, may be taken in execution for the same; and the commissioner or receiver of the impost is hereby impowered to make seizure of such ship or vessel, and detain the same under seizure until judgment be given in any suit to be commenced and prosecuted for any of the said forfeitures or impost, to the intent that, if judgment be rendred for the prosecutor or informer, such ship or vessel and appurtenances may be exposed for satisfaction thereof, as is before provided, unless the owners or some on their behalf for the releasing of such ship or vessel from under seizure or restraint, shall give sufficient security, to the commissioner or receiver of the impost that seized the same, to respond and satisfy the sum or value of the forfeiture and duties, with charges, that shall be recovered against the master thereof, upon suit to be brought for the same, as afores<sup>d</sup>; and the master occasioning such loss and damage unto his owners through his default or neglect, shall be lyable unto their action for the same.

*And be it further enacted,*

[SECT. 13.] That the naval officer within any of the ports of this

province shall not clear or give passes to any master of any ship or other vessel outward bound, until he shall be certified, by the commissioner or receiver of the impost, that the duties and impost for the goods last imported in such ship or vessel are paid or secured to be paid. And the commissioner or receiver of the impost is hereby impowered to allow bills of store to the master of any ship or vessel importing any wines or liquors, for such private adventures as shall belong to the master or seamen of such ship or other vessel, at the discretion of the commissioner or receiver, not exceeding three per cent of the lading; and duties payable by this act for such wines or liquors, in such bills of store mentioned and expressed, shall be abated.

*And be it further enacted by the authority aforesaid,*

[SECT. 14.] That all penalties and forfeitures accruing or arising by virtue of this act shall be one-half to his majesty, for the uses and intents for which the aforementioned duties of impost are granted, and the other half to him or them that shall seize, inform and sue for the same by action, bill, plaint or information in any of his majesty's courts of record, wherein no essoign, protection or wager of law shall be allowed; the whole charge of prosecution to be taken out of the half belonging to the informer.

*And be it further enacted by the authority aforesaid,*

[SECT. 15.] That there shall be paid by the master of every ship or other vessel coming into any port or ports in this province to trade or traffick, whereof all the owners are not belonging to this province, except such vessels as belong to Great Britain, the provinces or colonies of Pensilvania, West and East Jersey, New York, Connecticut or Rhode Island, every voyage such ship or vessel do's make, the sum of eighteen pence per ton, or one pound of good new gunpowder for every ton such ship or vessel is in burthen (saving for that part which is owned in Great Britain, this province or any of the aforesaid governments, which are hereby exempted), to be paid unto the commissioner or receiver of the duties of impost, and to be employed for the ends and uses aforesaid.

[SECT. 16.] And the said commissioner is hereby impowered to appoint a meet and suitable person to repair unto and on board any ship or vessel, to take the exact measure or tunnage thereof, in case he shall suspect that the register of such ship or vessel doth not express and set forth the full burthen of the same; the charge thereof to be paid by the master or owner of such ship or vessel, before she be cleared, in case she appear to be of greater burthen; otherwise to be paid by the commissioner out of the monies received by him for impost, and shall be allowed him accordingly by the treasurer in his accompts. And the naval officer shall not clear any vessel until he be also certified by the said commissioner, that the duty of tunnage for the same is paid, or that it is such a vessel for which none is payable according to this act.

*And be it further enacted by the authority aforesaid,*

[SECT. 17.] That there be one fit person, and no more, nominated and appointed by this court as a commissioner and receiver of the aforesaid duties of impost and tunnage of shipping, and for the inspection, care and management of the said office, and whatsoever relates thereunto, to receive commission for the same from the governour or commander-in-chief for the time being, with authority to substitute and appoint a deputy receiver in each port besides that wherein he resides, and to grant warrants to such deputy receivers for their said place, and to collect and receive the impost and tunnage of shipping aforesaid, that shall become due within such port, and to render the accompts thereof and pay in the same to the said commissioner and receiver; which said commissioner and receiver shall keep fair books of all entries and duties

arising by vertue of this act ; also a particular accompt of every vessel, so that the duties of impost and tunnage arising on the said vessel may appear ; and the same to lye open at all seasonable times to the view and perusal of the treasurer and receiver-general of this province (or any other person or persons whom this court shall appoint), with whom he shall account for all collections and payments, and pay in all such monies as shall be in his hands, as the treasurer or receiver shall demand it. And the said commissioner and receiver, and his deputy and deputys, before their entring upon the execution of the said office, shall be sworn to deal truly and faithfully therein, and shall attend in the office from nine to twelve of the clock in the forenoon, and from two to five of the clock of the afternoon.

[SECT. 18.] And the said commissioner and receiver, for his labour, care and expences in the said office, shall have and receive out of the province treasury the sum of seventy pounds per annum ; and his deputy or deputies to be paid for their service such sum and sums as the said commissioner and receiver, with the treasurer, shall agree, upon reasonable terms, not exceeding thirty pounds each ; and the treasurer is hereby ordered, in passing and receiving the said commissioner's accompt, accordingly, to allow the payment of such salary or salaries, as aforesaid, to himself and his deputy or deputies.

*Provided,*

[SECT. 19.] That this act shall continue in force from the publication thereof until the twenty-ninth day of June, which will be in the year of our Lord one thousand seven hundred and twenty-one, and no longer. [*Passed and published July 15.*]

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## CHAPTER 4.

### AN ACT FOR APPORTIONING AND ASSESSING A TAX OF SIX THOUSAND POUNDS SEVENTEEN SHILLINGS AND THREEPENCE UPON POLLS AND ESTATES.

WHEREAS the great and general court or assembly of the province of the Massachusetts Bay in New England, at their several sessions in the years 1714 and 1717, did pass three several grants of taxes on polls and estates, as funds and security for the payment and drawing in several sums in the bills of credit on this province, ordered to be imprinted, repeated and issued out of the publick treasury for the service of the government ; that is to say, at their sessions held the twenty-sixth of May, 1714,\* four thousand pounds ; at their sessions held the twentieth day of October, 1714,† ten thousand pounds ; at their sessions held the twenty-ninth of May, 1717,‡ three thousand pounds applied to the ends and uses in the said grants particularly enumerated and expressed ; and by the resolves of the court that made the aforesaid grants, it was then ordered that the said sum of seventeen thousand pounds shall be apportioned, assessed and leyed on polls, and estates both real and personal, within this province, according to such rules and in such proportion, upon the several towns and districts within the same, as shall be agreed on and ordered by this court in their present session ;—wherefore, for the ordering, directing and perfecting the said sum of six thousand pounds seventeen shillings

\* NOTES to 1714, resolve (a.) † *Ibid.*, resolve (b.) ‡ NOTES to 1717-18, resolve (a.)

and threepence, which with the sum of ten thousand nine hundred ninety-nine pounds two shillings and ninepence, by the duties of impost and tunnage of shipping and excise, together with the income of the bills let out and the light-house, will make the sum of seventeen thousand pounds pursuant to the funds and grants aforesaid, which is unanimously approved, ratified and confirmed, we, his majesty's loyal and dutiful subjects, the representatives in general court assembled, pray that it be enacted,—

*And be it accordingly enacted by His Excellency the Governour, Council and Representatives in General Court assembled and by the authority of the same,*

[SECT. 1.] That each town or district within this province be assessed and pay as such town and district's proportion of the aforesaid six thousand pounds seventeen shillings and threepence, the sum following; that is to say,—

IN THE COUNTY OF SUFFOLK.

Boston, one thousand ninety-nine pounds two shillings and threepence, . . . . .	£1,099	2s. 3d.
Roxbury, sixty-two pounds seventeen shillings and sixpence, . . . . .	62	17 6
Dorchester, eighty-three pounds fourteen shillings and threepence, . . . . .	83	14 3
Hingham, sixty-three pounds sixteen shillings and sixpence, . . . . .	63	16 6
Brantree, sixty-five pounds seventeen shillings and threepence, . . . . .	65	17 3
Dedham with part of Bellingham, fifty-five pounds threepence, . . . . .	55	0 3
Medfield, thirty pounds eighteen shillings, . . . . .	30	18 0
Medway, fourteen pounds eighteen shillings and ninepence, . . . . .	14	18 9
Weymouth, forty-four pounds four shillings and sixpence, . . . . .	44	4 6
Milton, thirty-two pounds five shillings and threepence, . . . . .	32	5 3
Hull, fourteen pounds eighteen shillings and ninepence, . . . . .	14	18 9
Wrentham, thirty-two pounds fifteen shillings and threepence, . . . . .	32	15 3
Mendon, with part of Bellingham, forty-two pounds nine shillings and threepence, . . . . .	42	9 3
Woodstock, thirty-one pounds twelve shillings and threepence, . . . . .	31	12 3
Brookline, twenty-five pounds eighteen shillings and threepence, . . . . .	25	18 3
Needham, nineteen pounds five shillings and ninepence, . . . . .	19	5 9
Oxford, seven pounds fourteen shillings and sixpence, . . . . .	7	14 6

IN THE COUNTY OF ESSEX.

Salem, one hundred fifty-nine pounds twelve shillings and one penny half-penny, . . . . .	159	12 1½
Ipswich, one hundred seventy-one pounds eleven shillings and threepence, . . . . .	171	11 3
Newbury, one hundred forty-three pounds seven shillings and sixpence, . . . . .	143	7 6
Marblehead, one hundred thirty-five pounds eighteen shillings and one penny half-penny, . . . . .	135	18 1½

Lynn, seventy-four pounds thirteen shillings and ninepence, . . . . .	£74 13s. 9d.
Andover, seventy pounds twelve shillings, . . . . .	70 12 0
Beverly, sixty pounds eighteen shillings and ninepence, . . . . .	60 18 9
Rowley, fifty-six pounds ten shillings and sixpence, . . . . .	56 10 6
Salisbury, forty-nine pounds six shillings and sevenpence half-peny, . . . . .	49 6 7½
Haverhill, sixty-four pounds sixteen shillings and threepence, . . . . .	64 16 3
Gloicester, seventy-two pounds four shillings and ninepence, . . . . .	72 4 9
Topsfield, thirty pounds twelve shillings and ninepence, . . . . .	30 12 9
Boxford, twenty-seven pounds eight shillings and sixpence, . . . . .	27 8 6
Almsbury, forty-four pounds fifteen shillings and ninepence, . . . . .	44 15 9
Bradford, thirty pounds three shillings and threepence, . . . . .	30 3 3
Wenham, twenty-seven pounds eighteen shillings and sevenpence half-peny, . . . . .	27 18 7½
Manchester, thirteen pounds and threepence, . . . . .	13 0 3

## IN THE COUNTY OF MIDDLESEX.

Cambridge, fifty pounds nine shillings and sevenpence half-peny, . . . . .	50 9 7½
Charlestown, one hundred thirty-six pounds four shillings and threepence, . . . . .	136 4 3
Watertown, fifty-five pounds eight shillings and threepence, . . . . .	55 8 3
Weston, twenty-three pounds nine shillings and fourpence half-peny, . . . . .	23 9 4½
Concord, seventy-seven pounds six shillings and ninepence, . . . . .	77 6 9
Wobourn, seventy-four pounds seventeen shillings and threepence, . . . . .	74 17 3
Redding, fifty-two pounds five shillings and threepence, . . . . .	52 5 3
Sudbury, sixty pounds eighteen shillings and threepence, . . . . .	60 18 3
Marlborough, fifty-nine pounds fourteen shillings and ninepence, . . . . .	59 14 9
Lexington, thirty-six pounds one shilling and threepence, . . . . .	36 1 3
Newtown, forty-six pounds and sevenpence half-peny, . . . . .	46 0 7½
Malden, thirty-seven pounds nineteen shillings and ninepence, . . . . .	37 19 9
Chelmsford, forty-eight pounds three shillings and threepence, . . . . .	48 3 3
Billerica, forty-seven pounds nine shillings and ninepence, . . . . .	47 9 9
Sherbourn, thirty-one pounds, nineteen shillings and threepence, . . . . .	31 19 3
Westborough, thirteen pounds two shillings and ninepence, . . . . .	13 2 9
Groton, thirty-three pounds six shillings and ninepence, . . . . .	33 6 9



Lancaster, thirty-seven pounds five shillings and ninepence, . . . . .	£37	5s.	9d.
Framingham, thirty-seven pounds eighteen shillings and ninepence, . . . . .	37	18	9
Medford, nineteen pounds four shillings and threepence, . . . . .	19	4	3
Stow, twenty-one pounds six shillings and one penny half-penny, . . . . .	21	6	1½
Worcester, six pounds, . . . . .	6	0	0
Dunstable, eleven pounds ten shillings and tenpence half-penny, . . . . .	11	10	10*
Dracut, eight pounds eighteen shillings and ninepence, . . . . .	8	18	9
Leicester, one pound sixteen shillings and one penny half-penny, . . . . .	1	16	1½
Littleton, six pounds, . . . . .	6	0	0

## IN THE COUNTY OF HAMPSHIRE.

Springfield, seventy-five pounds four shillings and one penny half-penny, . . . . .	75	4	1½
Northampton, fifty-eight pounds eight shillings and tenpence half-penny, . . . . .	58	8	10½
Hadley, thirty-four pounds eight shillings and sixpence, . . . . .	34	8	6
Hatfield, twenty-eight pounds one shilling and sixpence, . . . . .	28	1	6
Westfield, twenty-nine pounds seventeen shillings and fourpence half-penny, . . . . .	29	17	4½
Sutfield, thirty-two pounds seventeen shillings and one penny half-penny, . . . . .	32	17	1½
Enfield, twenty-six pounds and ninepence, . . . . .	26	0	9
Deerfield, fifteen pounds nineteen shillings and sixpence, . . . . .	15	19	6
Brookfield, six pounds, . . . . .	6	0	0
Sunderland, three pounds, . . . . .	3	0	0

## IN THE COUNTY OF PLYMOUTH.

Plymouth, seventy-two pounds one shilling and threepence, . . . . .	72	1	3
Plimpton, thirty-two pounds six shillings and ninepence, . . . . .	32	6	9
Scituate, ninety-five pounds nine shillings and ninepence, . . . . .	95	9	9
Bridgewater, sixty-eight pounds three shillings and fourpence half-penny, . . . . .	68	3	4½
Marshfield, fifty pounds eighteen shillings and threepence, . . . . .	50	18	3
Pembroke, twenty-three pounds eight shillings and sixpence, . . . . .	23	8	6
Duxborough, thirty-one pounds nine shillings and threepence, . . . . .	31	9	3
Middleborough, thirty-eight pounds four shillings and sevenpence half-penny, . . . . .	38	4	7½
Rochester, thirty-six pounds twelve shillings and ninepence, . . . . .	36	12	9
Abington, ten pounds twelve shillings, . . . . .	10	12	0

• Sic.



## IN THE COUNTY OF BRISTOL.

Bristol, forty-eight pounds, . . . . .	£48	0s.	0d.
Taunton, seventy-four pounds six shillings and sixpence, . . . . .	74	6	6
Norton, with the North Purchase, twenty-nine pounds twelve shillings and ninepence, . . . . .	29	12	9
Dartmouth, eighty-one pounds twelve shillings, . . . . .	81	12	0
Dighton, thirty-three pounds nineteen shillings and sevenpence half-peny, . . . . .	33	19	7½
Rehoboth, eighty pounds three shillings and one penny half-peny, . . . . .	80	3	1½
Little Compton, sixty-one pounds eight shillings and sixpence, . . . . .	61	8	6
Swansey, fifty-three pounds and ninepence, . . . . .	53	0	9
Tiverton, twenty-seven pounds nine shillings, . . . . .	27	9	0
Freetown, twenty-four pounds nine shillings, . . . . .	24	9	0
Attleborough, thirty-three pounds nine shillings and one penny half-peny, . . . . .	33	9	1½
Barrington, seventeen pounds eighteen shillings and sixpence, . . . . .	17	18	6

## IN THE COUNTY OF BARNSTABLE.

Barnstable, eighty-two pounds sixteen shillings and ninepence, . . . . .	82	16	9
Sandwich, fifty-three pounds one shilling and threepence, . . . . .	53	1	3
Eastham, fifty-six pounds four shillings and one penny half-peny, . . . . .	56	4	1½
Truro, twenty-six pounds seventeen shillings and one penny half-peny, . . . . .	26	17	1½
Yarmouth, fifty-one pounds fifteen shillings, . . . . .	51	15	0
Harwich, thirty-five pounds sixteen shillings and threepence, . . . . .	35	16	3
Falmouth, twenty pounds eighteen shillings and one penny half-peny, . . . . .	20	18	1½
Chatham, seventeen pounds eighteen shillings and sixpence, . . . . .	17	18	6

## IN DUKES COUNTY.

Edgartown, twenty-three pounds seventeen shillings and ninepence, . . . . .	23	17	9
Chilmark, thirty-eight pounds sixteen shillings and sevenpence half-peny, . . . . .	38	16	7½
Tisbury, eleven pounds eighteen shillings and ninepence, . . . . .	11	18	9

## IN THE COUNTY OF YORK.

York, forty-three pounds six shillings and threepence, . . . . .	43	6	3
Kittery, sixty-five pounds fourteen shillings and threepence, . . . . .	65	14	3
Berwick, twenty-eight pounds nineteen shillings and sevenpence half-peny, . . . . .	28	19	7½
Wells, twenty-eight pounds thirteen shillings and ninepence, . . . . .	28	13	9
Falmouth, three pounds, . . . . .	3	0	0
Biddeford, three pounds, . . . . .	3	0	0
Nantucket, seventy-seven pounds thirteen shillings and one penny half-peny, . . . . .	77	13	1½

*And be it further enacted by the authority afores<sup>d</sup>,*

[SECT. 2.] That the treasurer do forthwith send out his warrants directed to the selectmen or assessors of each town or district within this province, requiring them respectively to assess the sum hereby set upon such town and district in manner following; that is to say, to assess all rateable male polls above the age of sixteen years at thirty-pence per poll, except the governour and lieutenant-governour and their families, the president, fellows and students of Harvard College, settled ministers and grammar-school masters, who are hereby exempted as well from being taxed for their polls, as for their estates being in their own hand and under their actual management and improvement; and other persons (if such there be) who thro' age, infirmity or extreme poverty, in the judgment of the assessors, are not capable to pay towards publick charges, they may except their polls and so much of their estates as in their prudence they shall think fit and judge meet; and all estates, both real and personal, lying within the limits and bounds of such town or district or next unto the same, not paying elsewhere, in whose hand, tenure, occupation or possession soever the same is or shall be found; and income by any trade or faculty which any person or persons (except as before excepted) do or shall exercise in gaining, by monies or other estate not particularly otherwise assessed, or commissions of profit in their improvement, according to their understanding and cunning, at one penny on the pound; and to abate or multiply the same, if need be, so as to make up the sum hereby set and ordered for such town or district to pay; and in making their assessment to estimate houses and lands at six years income of the yearly rents, whereat they same may be reasonably set or let for in the places where they lye (saving all contracts between landlord and tenant; and where no such contract is, the landlord to reimburse one-half of the tax set upon such houses and lands); and to estimate Indian, negro, and mollatto servants proportionably as other estate, according to their sound judgment and discretion: as also to estimate every ox of four years old and upwards, at forty shillings; every cow of three years old and upwards, at thirty shillings; every horse and mare of three years old and upwards, at forty shillings; every swine of one year old and upward, at eight shillings; every sheep and goat of one year old and upwards, at four shillings; likewise requiring the assessors to make a fair list of the said assessment, setting forth in distinct columns against each particular person's name how much he or she is assessed at for polls, and how much for houses and lands, and how much for personal estate, and income by trade or faculty; and the list or lists so perfected and signed by them, or the major part of them, to commit to the collectors, constable or constables of such town or district, and to return a certificate of the name or names of such collector, constable or constables, together with the sum total to each of them respectively committed, unto himself sometime before the last day of September next.

[SECT. 3.] And the treasurer for the time being, upon the receipt of such certificate, is hereby impowered and ordered to issue forth his warrants to the collectors, constable or constables of such town or districts, requiring him or them, respectively, to collect the whole of each respective sum assessed on each particular person before the last day of March next, and of the inhabitants of the town of Boston to collect their proportion sometime in the month of January foregoing; and to pay in their collection, and issue the accompts of the whole, at or before the last day of May next, which will be in the year of our Lord one thousand seven hundred and twenty-one.

*And be it further enacted by the authority afores<sup>d</sup>,*

[SECT. 4.] That the assessors of each town and district, respec-

tively, in convenient time before their making the assessment, shall give seasonable warning to the inhabitants in a town meeting, or by posting up notifications in some place or places in such town or district, or otherwise to notify the inhabitants to give or bring in to the said assessors true and perfect lists of their polls and ratable estate; and if any person or persons shall neglect or refuse so to do, or bring in a false list, it shall be lawful to and for the assessors to assess such person or persons according to their known ability in such town, according to their sound judgment and discretion, their due proportion of this tax, as near as they can, according to the rules herein given, under the penalty of twenty shillings for each person that shall be convicted by legal proof, in the judgment of the assessors, of bringing in a false list; the said fine to be for the use of the poor of such town or district where the delinquent lives, to be levied by warrant from the assessors, directed to the collector or constable in manner as is directed for gathering of town assessments, and to be paid in to the town treasurer or selectmen for the use afores<sup>d</sup>: *saving* to the party aggrieved at the judgment of the assessors in setting such fine, liberty of appeal therefrom to the court of general sessions of the peace within the county, for relief as in case of being overrated.

[SECT. 5.] And if the party be not convicted of any falseness in the list by him presented of polls, ratable estate, and income by any trade or faculty which he doth or shall exercise in gaining, by money or other estate not particularly otherwise assessed, such list shall be a rule for such person's proportion to the tax, which the assessors may not exceed. [*Passed July 23; published July 25.*]

## CHAPTER 5.

AN ACT TO ENABLE THE LATE CONSTABLES OF THE TOWN OF WEYMOUTH TO RECOVER THE PUBLICK DUES FROM THE INHABITANTS OF THE SAID TOWN WHO REFUSE TO PAY THEIR TAXES, BY REASON THE SELECTMEN WHO WERE ASSESSORS OF THE SAID TOWN FOR TIME PAST HAVE OMITTED AND NEGLECTED TO TAKE THE ASSESSORS' OATH.

WHEREAS, by the omission and neglect of the selectmen of the said town of Weymouth, the assessors of the said town, for some time past, have not been sworn to their duty and office, as the law in such case requires, whereby the inhabitants take the advantage of such omission and neglect of the said selectmen, and refuse to pay their rates, so that a full stop is made in all the publick payments in the said town, to their great hurt and damage, altho the assessors have made the assessment of the said town as equal and just as if they had been under oath, and are now ready to be sworn thereto; for remedy of which inconvenience,—

*Be it enacted by His Excellency the Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

[SECT. 1.] That the several constables of the town of Weymouth, for the several years past, who have not collected and gathered in their taxes, be and hereby are authorized and impowered, and also directed forthwith to collect such outstanding rates, conformable to the assessors' lists or assessments, and pay in the same as by warrant directed, the omission and neglect of taking their oaths nevertheless; any law, usage or custom to the contrary thereof in any wise notwithstanding.

*Provided, nevertheless,*

[SECT. 2.] That where any person or persons shall be overrated, he or they may apply to the said selectmen, or general sessions of the peace, for relief. [*Passed July 23.*]

# ACTS

PASSED AT THE SESSION BEGUN AND HELD AT BOSTON  
ON THE SECOND DAY OF NOVEMBER, A.D. 1720.

## CHAPTER 6.

AN ACT TO ENABLE THE SEVERAL TOWNS, PRECINCTS, DISTRICTS AND PARISHES, LEGALLY SET[T] OFF TO CH[OO][U]SE COLLECTORS FOR THE GATHERING ANY TOWN, COUNTY, PRECINCT, DISTRICT OR PARISH RATES OR ASSESSMENTS.

WHEREAS, the laws of this province have made sufficient provision for the gathering in and collecting the publick rates or taxes by collectors, if any are chosen and accept thereof, and, on their refusal, by the constables of each town, precinct or district, and the form of an oath to be administered to such constables or collectors established, but no provision is made for the obliging any person, chosen collector for any town, county, precinct, district or parish rates or assessm[en]ts, to serve in said office, nor form of the oath such persons ought to be under, for the due observance of their office; wherefore,—

1699-1700, chap.  
20, § 10.  
1707, chap. 2.  
1692-3, chap. 35.

*Be it enacted by His Excellency the Governour, Council and Representatives in Gen[era]l[1] Court assembled, and by the authority of the same,*

[SECT. 1.] That it shall be in the power of every town, precinct, district or parish within this province, legally set[t] off, some time in the month of March annually, at the same time they ch[oo][u]se other town, precinct, district or parish officers, to ch[oo][u]se one or more persons, to serve as collector or collectors of all such rates or assessm[en]ts as shall be granted or agreed by such town, or by the gen[era]l[1] sessions of the peace in which county the same lieth, or by any precinct, district or parish regularly set[t] off as afores[ai]d, who shall be under the oath hereinafter provided; which oath shall be administered by a justice of the peace, if any such live within the same town, or by the selectmen of such town, as the law already provides.

Collectors of  
rates to be  
chosen.

[SECT. 2.] And any person that shall be chosen into the office of a collector as afores[ai]d, and that shall refuse to accept thereof, or deny and neglect to take the oath herein expressed, shall forfeit and pay unto the town-, precinct-, district- or parish treasurer the sum of three pounds, to the use of the poor of such town, precinct, district or parish; and if such person neglect or refuse to pay his fine, he shall be proceeded against, as the law directs, for the prosecuting of persons refusing to serve in the office of a constable: *provided*, no person in commission for any office, civil or military, church officers, or members of the house of representatives for the time being, nor other person that has served as constable or collector within the space of seven years before, shall be obliged to serve in the office of collector.

To be under  
oath.

Penalty on  
refusal.

Persons ex-  
empt.

*And be it further enacted by the authority afores[ai]d,*

[SECT. 3.] That every person chosen collector as afores[ai]d, and accepting thereof, shall settle and issue his accompts, of all rates and assessm[en]ts to him committed, with the selectmen of such town, or

Collectors to  
make up ac-  
counts of as-  
sessments.

Penalty for  
neglect.

person mentioned in the warr[an]t, to whom the rate is payable, within twenty days after time is expired in the said warr[an]t, to be annexed to the rate or assessm[en]t to him committed for paym[en]t thereof, under the pain and penalty of any collector, so neglecting or refusing, the sum of twenty shillings for every month he shall neglect so to do; to be recovered as in and by this act is provided for refusal to accept of such office, and to be applied for the use and intent afores[ai]d; any law, usage or custom to the contrary notwithstanding.

*And be it further enacted by the authority afores[ai]d,*

[SECT. 4.] That the form of the oath to be administered to any person chosen collect[o]r shall be as follows :—

Form of the  
oath.

Whereas you, A. B., are chosen collector within the town of C., or precinct, district or parish within the town of C., for one year now following, and until other be chosen and sworn in your place; you do swear that you will faithfully, and with what speed you can, collect and levy all such rates or assessm[en]ts and sums of money, committed to you to collect, and for which you shall have sufficient warr[an]t, rendring accompt thereof, and paying in the same according to the direction in your warrant. So help you God.

*[Passed November 29; published December 19.]*

## CHAPTER 7.

### AN ACT FOR EXPLANATION OF, AND SUPPLEMENT TO, AN ACT REFERRING TO THE POOR, &c.

Preamble.  
1682-3, chap. 28,  
§ 7.  
1703-4, chap. 14,  
1710-11, chap. 6,  
1717-18, chap. 2.

WHEREAS, the law for binding out poor children apprentices, is misconstrued by some to extend only to such children whose parents receive alms; for explanation whereof,—

*Be it declared and enacted by His Excellency the Governour, Council and Representatives in Gen[era]l Court assembled, and by the authority of the same,*

Children of  
poor people to  
be put to work  
or bound out.

[SECT. 1.] That the selectmen or overseers of the poor, in any town or district within this province, or the greater part of them, shall take order, and are hereby impower[e]d, from time to time, by and with the assent of two justices of the peace, to set to work, or bind out apprentice, as they shall think convenient, all such children whose parents shall, by the selectmen or [the] overseers of the poor, or the greater part of them, be thought unable to maintain them (wh[e][i]ther they receive alms or are chargeable to the place or not), so as that they be not cessed to publick taxes or assessm[en]ts for the province or town charges; male children till they come to the age of twenty-one years, and females till they come to the age of eighteen years, or time of marriage; which shall be as good and effectual in law, to all intents and purposes, as if any such child were of full age, and, by indenture or covenant, had bound him- or herself, or that their parents were consenting thereto; provision therein to be made for the instructing of children so bound out; to wit, males to read and write, females to read, as they respectively may be capable. And the selectmen or overseers of the poor shall enquire into the usage of children bound out by themselves or their predecessors, and endeavour to defend them from any wrongs or injuries.

And for the better preventing of idleness and loose [and] [or] disorderly living,—

*Be it further declared and enacted be the authority afores[ai]d,*

Idle persons to  
be set to work.

[SECT. 2.] That the selectmen or overseers of the poor, or the greater part of them, be and are further impowered, by and with the



assent of two justices of the peace, to set to work all such persons, married or unmarried, able of body, having no means to maintain them, that live idly, and use or exercise no ordinary and daily lawful trade or business to get their living by.

[SECT. 3.] And no single person, of either sex, under the age of twenty-one years, shall be suffered to live at their own hand, but under some orderly family governm[en]t; nor shall any woman of ill-fame, married or unmarried, be suffered to receive or entertain lodgers in her house.

[SECT. 4.] And the selectmen or overseers of the poor, constables and tythingmen, are hereby ordered to see the due observance of this act, and to complain and inform against any transgressions thereof, to one or more justices of the peace, or [the] court of gen[era]l sessions of the peace who are hereby respectively required and impowered, upon due conviction of the offender or offenders, for living idly or disorderly, contrary to the true intent of this act, to commit or send such offenders to the house of correction or workhouse, there to remain and be kept to labour, until they be discharged by order of such justice or justices, or the court of gen[era]l sessions of the peace; unless such person or persons so complained of shall give reasonable caution or assurance, to the satisfaction of the justice or court, that they will reform.

Idle persons to  
sent to the  
house of cor-  
rection.

*Provided,*

[SECT. 5.] This act shall not be construed to extend to hinder any single woman of good repute, from the exercise of any lawful trade or employm[en]t for a livelihood; any law, usage or custom to the contrary notwithstanding.

Proviso.

[SECT. 6.] And any two justices committing any person or persons as aforesaid, are hereby impowered, as they shall find cause, to discharge them again. [*Passed November 16; published December 19.*]

## CHAPTER 8.

### AN ACT FOR ALTERING THE FORM OF THE CERTIFICATE OF PAYMENT[S] FOR WOLVES, MADE OUT OF ANY TOWN STOCK.

WHEREAS, by a law made in the seventh year of the reign of [her late majesty Queen Ann\*] [*King William the Third*], provision is made for [the] reimbursing such sums of money as were paid out of any town stocks for wolves killed in [and] [or] near such town, by discounting the same with the constable of such town, out of the publick assessm[en]t committed to him to collect; but inasmuch as it is found by experience that the sums paid out of the stocks of some towns do exceed the sums set upon such towns, as their proportion of the publick tax, and no method prescribed by law for drawing the surplusage out of the treasury,—

1693, chap. 6,  
§ 2.  
1694-5, chap. 26.  
1715-16, chap.  
1.  
1717-18, chap.  
11.  
1719-20, chap. 2.

*Be it therefore enacted by His Excellency the Governour, Council and Representatives in Gen[era]l Court assembled, and by the authority of the same,*

That the province treasurer be, and hereby is, directed and ordered for the future, to pay unto the treasurer of each town respectively, such sum or sums as shall by such town be advanced, agreeably to law, for wolves killed in or near such towns; and that all certificates of such payments to be returned to the treasurer, shall be in the form following; that is to say,—

Province treas-  
urer to pay the  
whole sum for  
killing wolves.

\* *Sic* in the original engrossment, and altered, as above, in the printed act; both, however, are wrong, for the provision referred to is made by 1693, chap. 6, § 2 (5 W. & M.).



Form of certificate.

“Mr. Treasurer :

This may certify that there hath been paid unto sundry persons out of the town stock of for grown wolves, and wolves' whelps, killed in and near unto our town, and within this province, since the day of last past, and the heads thereof brought unto our constable or constables, and the ears cut[t] off in the presence of some of ourselves, as the law directs, (and so certified unto us) in the whole, the sum of pounds, w[h]ich sum we desire you to allow to our town, by paying the same unto our town treasurer. Dated in aforesaid, the day of anno Domini 17

} Selectmen.

Town Treas[ur]er.”

[Passed November 18 ; published December 19.]

## CHAPTER 9.

### AN ACT FOR THE BETTER REGULATING OF SWINE.

1693-4, chap. 7,  
§ 7.  
1713-14, chap.  
16.  
1716-17, chap. 9.

WHEREAS it is found that the provision by law made for the regulation of swine going at large, hath proved insufficient for preventing great damages being done in cornfields, meadows, pastures, &c., and that the additional act for the better regulation of swine going at large, is near expiring,—

*Be it enacted by His Excellency the Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

No swine to go at large.

[SECT. 1.] That from and after the fifteenth day of March next, no swine shall be suffered to go at large, or be out of the inclosure of the owner thereof, under the penalty of three shillings for each swine, for the first offence, and six shillings for the second offence, together with costs of prosecution, to be forfeited and paid by the owner of such swine found going at large, as aforesaid ; which fine or forfeiture, together with the charge of prosecution, may be recovered by the proper hogreeves, or any other person, by bill, plaint or information, before any one of his majestie's justices of the peace in such county where such forfeiture shall arise, or by impounding such swine and proceeding with them as the law hath directed in case of impounding.

*And whereas* it may so happen that the owner of such swine as go at large may not be known,—

Swine going at large to be impounded.

[SECT. 2.] In such case, the party that finds any swine going at large, shall have power to impound them ; and if no owner appear within forty-eight hours, or appearing, do neglect or refuse to pay the forfeiture, together with the charges, that then the party impounding them shall cause them to be cried or posted up in the town where they [were] [are] impounded, and in the two towns next adjoining ; and shall likewise cause the marks of the swine to be entered with the town clerk, and shall relieve such swine during the time they are in pound.

No owner appearing, &c., swine to be sold.

[SECT. 3.] And if no owner appear and pay the said penalty and charges within ten days after such impounding, then such swine shall be sold, at an outcry, to the highest bidder, by two suitable persons to be appointed and sworn to the faithful discharge of their trust by the next justice of the peace, or town clerk, where no justice dwells ; which sellers shall give publick notice of the time and place of such sale twenty-four hours beforehand ; and out of the proceeds of such sale shall pay unto the party the said forfeiture and costs, as by bill allowed by said justice or town clerk ; and the surplusage thereof he shall deliver to the treasurer of such town to be kept for the

unknown owner; and if no owner do appear within the space of one year, then the town treasurer shall deliver the one half of the said surplusage to the prosecutor, the other half to the overseers of the poor, for the use of the poor of such town.

*Provided, nevertheless,*

[SECT. 4.] That it shall be in the power of any town, in a town Proviso. meeting for that purpose appointed, by a vote, to give liberty for swine going at large within the bounds of such town; and in such case it shall be lawful for any and every person or persons to suffer his or their swine to go at large, anything in this act before contained to the contrary notwithstanding.

*Provided alwa[y][ie]s,*

[SECT. 5.] That every person suffering his swine to go at large by v[i][e]rtue of such town vote, shall (before he suffer his swine to go at large, as aforesaid) cause each of them to be well and sufficiently yoked, and ringed in the nose, and constantly kept so ringed and yoked; otherwise he shall be liable to, and shall pay, the forfeiture and cost as is by this act before mentioned and provided: *saving* that they may go unyoked from the last day of October to the first day of April.

And, to the intent all persons may know what a sufficient yoking doth mean,—

*It is hereby declared,*

[SECT. 6.] That no yoke shall be accounted sufficient which is not Bigness of the yoke. the full depth of the [swine's] neck [of the swine] above the neck, and half so much below the neck, and the sole or bottom of the yoke three times so long as the breath or thickness of the swine's neck.

And, for the rendring this act more effectual,—

*Be it further enacted by the authority aforesaid,*

[SECT. 7.] That every town within this province, at their annual meeting in March to choose town officers, shall choose two or more hogreeves, but not the same person more than once in four years, whose Hogreeves to be chosen in March meeting. duty it shall be to take due care that this act be duly observed (and in order thereto, shall pass through their precinct at least once every fortnight) and to prosecute the breakers thereof; who shall be sworn to the faithful[1] and impartial discharge of their office.

[SECT. 8.] And if any person so chosen shall refuse or shall neglect Penalty for refusal and neglect of duty. forthwith to be sworn, as aforesaid, or neglect his duty in said office, he shall forfeit and pay twenty shillings, to the use of the poor of such town, and upon his refusal another shall forthwith be chosen in his room, to be under the like penalty, and so till others will accept the said service; which penalty shall be recovered by a prosecution before one of his majest[y][ie]'s justices of the peace in the county where such person dwells.

[SECT. 9.] And if any town shall neglect to choose such officers at their town meeting in March annually, or, on [their] refusal, to choose others, till a suitable number accept, they shall forfeit and pay the sum of twenty pounds for each neglect, the one half to his majesty for and towards the support of the government, the other half to him that shall prosecute for such neglect in any of his majest[y][ie]'s courts of record within the province.

*Provided,*

[SECT. 10.] That this act shall not extend to any town s[c]ituate Proviso. eastward of the town of Wells, nor continue in force longer than the end of the session of this court in May, *anno* one thousand seven hundred and twenty-six. [*Passed December 3; published December 19.*]

## CHAPTER 10.

## AN ACT AGAINST COUNTERFEITING THE BILLS OF CREDIT ON THIS PROVINCE, AND THE NEIGHBOURING GOVERNMENTS.

Preamble.  
1704-05, chap. 8.  
1711-12, chap. 1.

WHEREAS, notwithstanding the laws already made for the punishment of persons convict of forging and counterfeiting the publick bills of credit on the several provinces, many persons of late have been so hardy and wicked, for base lucre and gain to themselves, to forge and utter several counterfeit bills in imitation of the true bills of credit ; for prevention and remedy whereof,—

*Be it enacted by His Excellency the Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

Counterfeiting  
of province  
bills to be pun-  
ished with  
death.

That whosoever, after the publication of this act, shall presume to forge, counterfeit or utter any bill or bill's (knowing the same, when uttered, to be false and counterfeit) of the tenor or in imitation of any of the bills of credit on this province, by law established, or on the province of New Hampshire, the colony of Connecticut[t] or the colony of [Rhode] [Rhoad] Island and Providence Plantation, by law established within the said governments, or any of them, or that shall counsel, advise, procure, or any ways assist in the forging, counterfeiting, imprinting, stamping or signing of any such false bills, or engrave any plate, or make any other instrument to be used for the making any such false and counterfeit bills, every person and persons so offending, being thereof convicted, shall be adjudged to suffer the pains of death ; any law, usage or custom to the contrary notwithstanding. [*Passed November 22 ; published December 19.*]

## CHAPTER 11.

## AN ACT IN EXPLANATION OF, AND IN ADDITION TO, AN ACT MADE IN [THE] THIRTEENTH YEAR OF KING WILLIAM, ENTITULED "AN ACT FOR REVIEW IN CIVIL CAUSES."

1701-02, chap. 6.

WHEREAS, in and by said act, it is provided "That it shall be in the liberty of the party aggrieved at the judgement given in any inferior court of common pleas, or in the superiour court of judicature, respectively, by new process to review the said cause once in each court" ; and whereas, it hath sometimes happened that, contrary to the meaning of the said act, the party in whose favour the judgement of the superiour court hath been given, hath, very soon after such judgement, taken out his writ[t] of review, pretending himself aggrieved by such judgement, and entered his action thereupon, when it hath been with intent to prevent the other person who was really aggrieved, bringing his writ[t] of review, and upon the tryal of such review, a doubt has arisen, as well from the nature of the review as from the form of the writ[t], wh[e][i]ther the defendant could have any relief, or indeed any other verdict or judgement than costs awarded him ; and thereupon as well the design of [the] said law defeated, as manifest injustice sometimes may be done ; for remedy whereof,—

*Be it enacted by His Excellency the Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

Writs of re-  
view of both  
parties to be  
committed to  
the jury.

That when and so often as it shall happen that both parties bring forward and enter their writ[t]s of review in the superiour court, that then and in such case, both writ[t]s or actions of review shall be com-

mitted together, by the court, to the same jury, in order to confirm, reverse or alter the judgement of the superiour court on the appeal, according to law and justice, and as the matter shall appear upon the tryal; any law, usage or custom to the contrary notwithstanding. [*Passed November 24; published December 19.*]

## CHAPTER 12.

AN ACT IN ADDITION TO AN ACT ENTITLED "AN ACT FOR THE MORE SAFE KEEPING THE REGISTRY OF DEEDS AND CONVEYANCES OF LANDS," MADE IN THE FIRST YEAR OF HIS PRESENT MAJ[ESTY][IE]'S REIGN.

WHEREAS, in and by an act made in the first year of his present majest[y][ie]'s reign, entitled "An act for the more safe keeping the registry of deeds and conveyances of lands," it was (among other things) enacted, "That there should be chosen in each county within this province, some suitable person, to be register in each county within the same, who should be chosen by the votes of the freeholders of each respective town, at their meeting in March then next following; and that each person so chosen should continue in the said office five years," as by the said act more fully appears; but no provision is made in the said act for the choice of registers after the said five years, which are now near expired, 1715-16, chap. 5.

*Be it therefore enacted by His Excellency the Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

[SECT. 1.] That the freeholders in each respective town within this province, at their meeting in March next, and every five years from thenceforth, successively following, forever, at their several town meetings in March, shall be and hereby are impowered and required to proceed to ch[oo][u]se a register for each county respectively within the said province, qualified as in the said act is expressed. Choice of registers of deeds to be in March, forever.

[SECT. 2.] And that the persons so chosen, as aforesaid, shall reside and keep his office daily open in the respective shire town of each county, and therein keep the books, records, files and papers to the said office belonging. Register to reside and keep his office in the shire town.

[SECT. 3.] And that all the other clauses, articles and paragraphs in the said act, are hereby made and declared to be perpetual, and shall abide and remain effectual and in full force and vertue, to all intents, constructions and purposes in the law, from henceforth and forever hereafter; any law, usage or custom to the contrary notwithstanding. [*Passed November 17; published December 19.*]

## CHAPTER 13.

AN ACT REPEALING AND MAKING VOID THE FORM OF THE WRIT[T] OF REPLEVIN DIRECTED TO IN AN ACT ENTITLED "AN ACT PRESCRIBING THE FORM OF WRIT[T]S FOR POSSESSION, *SCIRE FACIAS* AND REPLEVIN"; MADE IN THE THIRTEENTH YEAR OF THE REIGN [OF] KING WILLIAM THE THIRD; AND ESTABLISHING ANOTHER FORM INSTEAD THEREOF.

FORASMUCH as some further provision in the law is necessary relating to actions of replevin, and for rendering the proceedings therein more compendious and certain,—

*Be it enacted by His Excellency the Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

Former writ of  
replevin made  
void.  
1701-2, chap. 3.

[SECT. 1.] That the said form of the writ[t] of replevin, prescribed in and by the abovesaid act, made in the thirteenth year of the reign of the said King William, and every article and clause therein contained, shall be and hereby is repealed, determined and made void and of none effect forever.

*And be it further declared and enacted by the authority aforesaid,*

[SECT. 2.] That from henceforth the writ[t] of replevin to be issued out of the inferiour court, shall be from time to time granted and issued out in the form following; that is to say,—

S—, ss.

New form of  
writ of re-  
plevin.

8 Allen, 401.

To the sheriff or marshal of the said county of S—, his undersheriff or deputy, or constables of the town of B. within the said county, or to any or either of them, greeting: In his majest[y][ie]'s name you are required to replevie belonging to T. P. of B., <sup>addition</sup> now distrained or impounded by J. G. of B., <sup>addition</sup> and deliver the said unto the said T. P. and summons the said J. G. to appear before our justices of our inferiour court of common pleas next to be holden at B., within and for our county of S. aforesaid, on the      day of      , then and there in our said court to answer to the said T. P. in a plea of replevin, for that he, the said J. G., on the      day of      at a place called A., in B. aforesaid, took      of the plaintiffs, and drove them away and impounded them in      and in the said pound them unjustly detained, against pledges and sureties, till this day; which is to the damage of the said T. P. (as he saith) the sum of      pounds, as shall then and there appear with other due damages: *provided* he, the said T. P., give bond to the value of      pounds, with sufficient surety or sureties to prosecute his replevin at the s[ai]d next inferiour court of common pleas, and so from court to court until[<sup>l</sup>] the cause be ended; and to pay such costs and damages as the said J. G. shall recover against him. Hereof fail not, and make true return of this writ[t] with your doings therein, unto the said court. Dated in B. the      day of      in the year of his majest[y][ie]'s reign, *annoq[ue] Domini*

A. D., Clerk.

—and the like form of replevin to be observed for matters cognizable before a justice of the peace, *mutatis mutandis*; but neither of them to be construed to extend to any distress or distresses made by the proper officer, for any tax, fine or forfeiture.

*And be it further enacted by the authority aforesaid,*

Copy of writ  
of replevin to  
oblige the de-  
fendant to an-  
swer.

[SECT. 3.] That in case the defendant in any action of replevin cannot be found, an attested copy of the said writ[t] of replevin, being left at the house or place of usual abode of the defendant, shall be sufficient to oblige him to answer to the suit. [*Passed December 6; published December 19.*]



# ACTS

PASSED AT THE SESSION BEGUN AND HELD AT BOSTON,  
ON THE FIFTEENTH DAY OF MARCH, A.D. 1720-21.

## CHAPTER 14.

AN ACT FOR THE MAKING AND EMITTING THE SUM OF FIFTY THOUSAND POUNDS IN BILLS OF CREDIT ON THIS PROVINCE, IN SUCH MANNER AS IS HEREAFTER EXPRESSED.

WHEREAS the publick bills of credit on this province, which, for want of silver, have for many years not only answered the charge of this his majesty's government, both in war and peace, but served as a medium of exchange in the merchandize, trade and business of the province, are grown scarce in proportion to the great demand of the same,—

*Be it therefore enacted by His Excellency the Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

[SECT. 1.] That the sum of fifty thousand pounds in bills of credit of the same tenour of those already emitted, be forthwith made off of three plates; that is to say, the sum of thirty thousand pounds off the plate of the highest denomination, sixteen thousand pounds off the plate of the middle denomination, and four thousand pounds off the plate of the lowest denomination; and lodged in the hands of the province treasurer, who is hereby directed and impowred to distribute the same to the several towns within this province, according to each town's respective proportion to the last province tax.

[SECT. 2.] And that the several towns within this province, which shall receive their respective parts of the said sum of fifty thousand pounds, may by their trustees let out the same at interest on good real estates, or personal security, or otherwise make improvement thereof as they shall judge most beneficial and advantagious for them; only they shall not proportion or subdivide it to and among their inhabitants, neither according to their particular tax, or any other way.

*And be it further enacted by the authority aforesaid,*

[SECT. 3.] That there be five freeholders chosen and appointed in and by the town of Boston, the major part of them to be a *quorum*, of good, clear and real estate, worth at least two thousand pounds each, of them; and three or five freeholders chosen and appointed trustees in and by the several other towns within this province, the major part of whom to be a *quorum*, of good and clear real estates, worth at least five hundred pounds each of them; except in new or small towns, under sixty families, in which case each trustee shall be worth two hundred pounds; which persons so chosen shall be sworn, as other town officers, to the faithful discharge of their trust, and shall be allowed out of their town treasuries, respectively, for their pains and trouble in the execution of their office, what the several towns in their good discretion shall think meet and convenient: *provided, always, that*

Preamble.

See 1716-17,  
chap. 18.

Fifty thousand  
pounds province  
bills to be made  
off three plates.

To be distrib-  
uted to the sev-  
eral towns, in  
proportion to  
their last tax.

Towns empow-  
ered by their  
trustees to let  
out the said  
bills.

Trustees to be  
chosen.

Their qualifica-  
tions.

To be sworn.

Proviso



none of the trustees of the fifty thousand pounds, or commissioners of the one hundred thousand pounds loan, be chosen as trustees for the respective towns.

*And be it enacted by the authority aforesaid,*

Treasurer to  
notify select-  
men, when the  
bills are re-  
ceived.

[SECT. 4.] That the province treasurer, as soon as he shall have received the said bills, do notify the selectmen of the several towns thereof, that so they may assemble the freeholders, qualified as in this act is provided, to proceed to take out their proportions of the said bills, if they see meet; and shall deliver them to their respective trustees, or their order, taking receipt for the same. The proportion of each town is as follows; viz.,—

IN THE COUNTY OF SUFFOLK.

Boston, nine thousand one hundred and sixty-five pounds, . . . . .	£9,165	0s.	0d.
Xbury, five hundred twenty-three pounds fifteen shillings, . . . . .	523	15	0
Dorchester, six hundred ninety-eight pounds, . . . . .	698	0	0
Hingham, five hundred thirty-one pounds ten shillings, . . . . .	531	10	0
Brantrey, five hundred forty-eight pounds, . . . . .	548	0	0
Dedham, four hundred twenty-three pounds five shillings, . . . . .	423	5	0
Medfield, two hundred fifty-seven pounds ten shillings, . . . . .	257	10	0
Bellingham, seventy-four pounds, . . . . .	74	0	0
Medway, one hundred twenty-four pounds, . . . . .	124	0	0
Weymouth, three hundred sixty-eight pounds ten shillings, . . . . .	368	10	0
Milton, two hundred sixty-eight pounds fifteen shillings, . . . . .	268	15	0
Hull, one hundred twenty-four pounds, . . . . .	124	0	0
Wrentham, two hundred seventy-two pounds ten shillings, . . . . .	272	10	0
Mendon, three hundred and thirteen pounds ten shillings, . . . . .	313	10	0
Woodstock, two hundred and sixty-three pounds five shillings, . . . . .	263	5	0
Brooklin, two hundred and fifteen pounds ten shillings, . . . . .	215	10	0
Needham, one hundred and sixty-pounds, . . . . .	160	0	0
Oxford, sixty-four pounds, . . . . .	64	0	0

IN THE COUNTY OF ESSEX.

Salem, one thousand three hundred and thirty pounds, . . . . .	1,330	0	0
Ipswich, one thousand four hundred and twenty-nine pounds, . . . . .	1,429	0	0
Newbury, one thousand one hundred and ninety-four pounds, . . . . .	1,194	0	0
Marblehead, one thousand one hund. thirty-two pounds ten shil., . . . . .	1,132	10	0
Lynn, six hundred twenty-one pounds, . . . . .	621	0	0
Andover, five hundred eighty-eight pounds ten shillings, . . . . .	588	10	0
Beverly, five hundred and eighteen pounds, . . . . .	518	0	0
Rowley, four hundred sixty-nine pounds ten shillings, . . . . .	469	10	0
Salisbury, four hundred and ten pounds ten shillings, . . . . .	410	10	0

Haverhill, five hundred thirty-eight pounds ten shillings, . . . . .	£538 10s. 0d.
Glocester, six hundred pounds ten shillings, . . . . .	600 10 0
Topfield, two hundred fifty-five pounds, . . . . .	255 0 0
Boxford, two hundred twenty-eight pounds, . . . . .	228 0 0
Amesbury, three hundred seventy-three pounds, . . . . .	373 0 0
Bradford, two hundred fifty-one pounds, . . . . .	251 0 0
Wenham, two hundred thirty-two pounds, . . . . .	232 0 0
Manchester, one hundred and eight pounds, . . . . .	108 0 0

## IN THE COUNTY OF MIDDLESEX.

Cambridge, four hundred and twenty pounds ten shillings, . . . . .	420 10 0
Charlestown, one thousand one hundred thirty-five pounds, . . . . .	1,135 0 0
Watertown, four hundred sixty-two pounds, . . . . .	462 0 0
Weston, one hundred ninety-five pounds ten shillings, . . . . .	195 10 0
Concord, six hundred forty-four pounds ten shillings, . . . . .	644 10 0
Woburn, six hundred twenty-four pounds, . . . . .	624 0 0
Reading, four hundred thirty-five pounds ten shillings, . . . . .	435 10 0
Sudbury, five hundred and eight pounds, . . . . .	508 0 0
Marlborough, four hundred and ninety-eight pounds, . . . . .	498 0 0
Lexington, three hundred pounds ten shillings, . . . . .	300 10 0
Newton, three hundred eighty-three pounds ten shillings, . . . . .	383 10 0
Malden, three hundred and seventeen pounds, . . . . .	317 0 0
Chelmsford, four hundred and one pounds ten shillings, . . . . .	401 10 0
Billerica, three hundred ninety-six pounds, . . . . .	396 0 0
Sherbourn, two hundred sixty-seven pounds, . . . . .	267 0 0
Westborough, one hundred and eight pounds fifteen shillings, . . . . .	108 15 0
Groton, two hundred seventy-seven pounds ten shillings, . . . . .	277 10 0
Lancaster, three hundred and ten pounds ten shillings, . . . . .	310 10 0
Framingham, three hundred and fifteen pounds ten shillings, . . . . .	315 10 0
Medford, one hundred and sixty pounds, . . . . .	160 0 0
Stow, one hundred seventy-seven pounds fifteen shillings, . . . . .	177 15 0
Worcester, fifty pounds, . . . . .	50 0 0
Dunstable, ninety-six pounds, . . . . .	96 0 0
Dracut, seventy-four pounds ten shillings, . . . . .	74 10 0
Leicester, fourteen pounds, . . . . .	14 0 0
Littleton, fifty pounds, . . . . .	50 0 0
Rutland, . . . . .	0 0 0

## IN THE COUNTY OF HAMPSHIRE.

Springfield, six hundred twenty-seven pounds five shillings, . . . . .	627 5 0
Northampton, four hundred eighty-six pounds fifteen shillings, . . . . .	486 15 0
Hadley, two hundred eighty-six pounds fifteen shillings, . . . . .	286 15 0
Hatfield, two hundred thirty-three pounds fifteen shillings, . . . . .	233 15 0

Westfield, two hundred forty-eight pounds fifteen shillings, . . . . .	£248 15s. 0d.
Suffield, two hundred seventy-three pounds fifteen shillings, . . . . .	273 15 0
Enfield, two hundred and sixteen pounds fifteen shillings, . . . . .	216 15 0
Deerfield, one hundred thirty-three pounds five shillings, . . . . .	133 5 0
Brookfield, fifty pounds, . . . . .	50 0 0
Sunderland, twenty-five pounds, . . . . .	25 0 0
Northfield, . . . . .	0 0 0

## IN THE COUNTY OF PLYMOUTH.

Plymouth, six hundred pounds fifteen shillings, . . . . .	600 15 0
Plympton, two hundred sixty-nine pounds five shillings, . . . . .	269 5 0
Scituate, seven hundred ninety-six pounds, . . . . .	796 0 0
Bridgewater, five hundred sixty-eight pounds, . . . . .	568 0 0
Marshfield, four hundred twenty-four pounds five shillings, . . . . .	424 5 0
Pembroke, one hundred ninety-five pounds, . . . . .	195 0 0
Duxborough, two hundred sixty-two pounds five shillings, . . . . .	262 5 0
Middleborough, three hundred and eighteen pounds ten shillings, . . . . .	318 10 0
Rochester, three hundred and five pounds, . . . . .	305 0 0
Abington, eighty-eight pounds ten shillings, . . . . .	88 10 0

## IN THE COUNTY OF BRISTOL.

Bristol, four hundred pounds, . . . . .	400 0 0
Taunton, six hundred and nineteen pounds five shillings, . . . . .	619 5 0
Norton, with North Purchase, two hundred forty-seven pounds, . . . . .	247 0 0
Dartmouth, six hundred and eighty pounds, . . . . .	680 0 0
Dighton, two hundred eighty-three pounds, . . . . .	283 0 0
Rehoboth, six hundred sixty-eight pounds, . . . . .	668 0 0
Little Compton, five hundred and eleven pounds, . . . . .	511 0 0
Swansey, four hundred forty-two pounds, . . . . .	442 0 0
Tiverton, two hundred twenty-nine pounds, . . . . .	229 0 0
Freetown, two hundred and four pounds, . . . . .	204 0 0
Attleborough, two hundred seventy-nine pounds, . . . . .	279 0 0
Barrington, one hundred forty-nine pounds five shillings, . . . . .	149 5 0

## IN THE COUNTY OF BARNSTABLE.

Barnstable, six hundred and ninety pounds, . . . . .	690 0 0
Sandwich, four hundred forty-two pounds five shillings, . . . . .	442 5 0
Eastham, four hundred sixty-eight pounds ten shillings, . . . . .	468 10 0
Truro, two hundred twenty-four pounds, . . . . .	224 0 0
Yarmouth, four hundred thirty-one pounds five shillings, . . . . .	431 5 0
Harwich, two hundred ninety-eight pounds five shillings, . . . . .	298 5 0
Falmouth, one hundred seventy-four pounds five shillings, . . . . .	174 5 0
Chatham, one hundred forty-nine pounds five shillings, . . . . .	149 5 0

## IN DUKES COUNTY.

Edgartown, one hundred ninety-nine pounds, . . .	£199	0s.	0d.
Chilmark, three hundred twenty-three pounds ten shillings, . . . . .	323	10	0
Tisbury, ninety-nine pounds ten shillings, . . . . .	99	10	0

## IN THE COUNTY OF YORK.

York, three hundred fifty-nine pounds ten shillings, . . .	359	10	0
Kittery, five hundred forty-six pounds ten shillings, . . .	546	10	0
Berwick, two hundred forty pounds fifteen shillings, . . .	240	15	0
Wells, two hundred thirty-eight pounds ten shillings, . . .	238	10	0
Falmouth, twenty-five pounds, . . . . .	25	0	0
Biddiford, twenty-five pounds, . . . . .	25	0	0

Nantucket, six hundred forty-seven pounds, . . . 647 0 0

£50,000 0s. 0d.

*And be it further enacted by the authority aforesaid,*

[SECT. 5.] That all the interest, profit or income arising by the improvement of the several towns' parts and proportions of the said bills of credit, shall be for the use and benefit of each town, respectively, towards defraying the town charges. Interest of bills to be for the benefit of the towns.

[SECT. 6.] And that in the choice and appointment of the said trustees, and in the disposal of the principal sum which each town shall receive, and the interest arising thereon, no person or persons residing in any town shall be allowed to vote or act, other than such as are inhabitants of such town, and have an estate of freehold worth at least forty shillings per annum in the said town. Qualification of voters for trustees.

[SECT. 7.] And in case of the death or removal of any of the said trustees, the several towns within this province are hereby impowred and directed to choose and appoint others in their room, qualified as aforesaid, who shall likewise be sworn to the faithful discharge of their trust, as in this act is provided. New trustees to be chosen in case of the death, &c., of the first.

*And be it further enacted,*

[SECT. 8.] That as a fund and security for the drawing in and repayment of the said bills into the publick treasury, and to and for no other use or purpose whatsoever, there be, and hereby is, granted unto the king's most excellent majesty a tax of fifty thousand pounds, to be levied on polls, and estates both real and personal, and by no other ways, within this province, according to the rules of raising money for defraying the province charges, upon the several towns and districts within the same, and in proportion to the sums severally received by the respective towns within the same, and paid into the publick treasury in manner following; viz., ten thousand pounds thereof by the last day of May, *anno Domini* one thousand seven hundred and twenty-six; ten thousand pounds more by the last day of May, one thousand seven hundred and twenty-seven; ten thousand pounds more thereof by the last day of May, one thousand seven hundred and twenty-eight; ten thousand pounds more by the last day of May, one thousand seven hundred and twenty-nine; and ten thousand pounds residue thereof, by the last day of May, *anno Domini* one thousand seven hundred and thirty; which makes the whole sum of fifty thousand pounds, to be collected from the several towns, or paid out of their stock, according to the sums they severally received from the province treasurer. Fund for drawing in the bills.

[SECT. 9.] And that the bills, as they shall be received into the treasury, after they are viewed and counted by a committee to be Bills to be burnt when drawn in.

appointed by this court for that purpose, shall be burnt to ashes; any law, usage or custom to the contrary notwithstanding. [*Passed March 31, 1721.*]

## CHAPTER 15.

AN ACT IN ADDITION TO AN ACT MADE IN THE TWELFTH YEAR OF KING WILLIAM, ENTITULED "AN ACT DIRECTING HOW TAXES TO BE GRANTED BY THE GENERAL ASSEMBLY SHALL BE ASSESSED AND COLLECTED," AND FOR THE RATIFYING AND CONFIRMING THE PROCEEDINGS OF THE ASSESSORS OF PRECINCTS, DISTRICTS AND PARISHES, AND THE COLLECTING OF SUCH RATES AND TAXES AS MAY HAVE BEEN MADE BY SUCH ASSESSORS, ALTHO' NOT UPON OATH; AND TO IMPOWER COMMITTEES OF PRECINCTS, &c., TO CALL MEETINGS.

Preamble.  
1699-1700, chap.  
26, § 1.  
1702, chap. 10,  
§ 2.

WHEREAS it is not expressly declared in and by the said act of the twelfth of King William, that the assessors of precincts, districts and parishes shall be upon oath, and some of the assessors legally chosen by and for some of the districts, parishes and precincts within this province, have not been under oath, and thereupon some difficulty has arisen as to the collecting and paying such parish and precinct taxes or rates,

*Be it therefore declared and enacted by His Excellency the Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

Assessors of  
parishes, &c.,  
to be under  
oath.

[SECT. 1.] That from and after the publication of this act, all assessors, as well those of and for parishes, precincts and districts, shall be under the obligation of an oath to make their assessment just and equal, according to the rules in the law provided.

Parish commit-  
tees to have  
power to call  
meetings.  
3 Mass., 281.

[SECT. 2.] And that the committee chosen in precincts, districts and parishes to manage their prudentials, shall have the like power and authority to call and appoint meetings of their respective precincts, districts and parishes, as the selectmen of towns have to call and appoint town meetings.

*And be it further enacted,*

Assessment  
made not under  
oath, to be held  
good.

[SECT. 3.] That all assessments hitherto made by any assessors legally chosen for any precinct, parish or district within this province, although not upon oath, shall be, and are, legally held, deemed and made good and valid to all intents and purposes, as if the same had been made upon oath; and all constables, collectors and persons concerned are to conform themselves accordingly: *provided, always,* that such assessments that have been made, and the assessors not under oath, and the whole or any part thereof not collected, that in all such cases, oath shall be made by those assessors living that made the assessments, if thereto required, that they acted impartially and according to their best skill and judgment; any law, usage or custom to the contrary notwithstanding. [*Passed March 28, 1721.*]

Proviso.

## CHAPTER 16.

AN ACT TO PREVENT MISPENDING MONEY IN TAVERNS.

Preamble.  
1692-3, chap. 20,  
§ 3.  
1693-4, ch. 20.

WHEREAS many persons are so extravagant in their expences at taverns and other houses of common entertainment, that it greatly hurts their families, and makes them the less able to pay and discharge their



honest, just debts, and are encouraged in this practice by the taverners, retailers and keepers of houses of entertainment [by] giving them too great credit; for remedy whereof,—

*Be it enacted by His Excellency the Governor, Council and Representatives in General Court assembled, and by the authority of the same,*

That if any in[n]holder, retailer, alehouse-keeper, or common victualler, shall, after the publication of this act, trust or give credit to any person inhabiting in the same town where they are trusted, for victuals or drink, for more than ten shillings, such in[n]holder, retailer, alehouse-keeper, or common victualler shall forfeit all such sums so trusted; and all actions to be brought for such debt or debts to be utterly excluded and barred; any law, usage or custom to the contrary notwithstanding. *[Passed March 30, 1721; published April 1, 1721.]*

1698, chap. 10.  
1711-12, chap. 6.

Taverner, &c.,  
to forfeit debts  
for drink and  
victuals exceed-  
ing ten shil-  
lings.

NOTES.—A general court was convened May 25, 1720, but was dissolved after a session of five days, during which no acts were passed. A new assembly met July 13, and sat ten days, when it was prorogued to September 28; but was again prorogued, by proclamation, September 15, to November 2, following, which was the beginning of the second session. The second session continued to December 17, when it was prorogued to February 15, 1720-21, and, again, on the fourth of February, by proclamation, to March 15. The third session began March 15, 1720-21, and was dissolved March 31, 1721. The engrossments of all the acts of this year, except of chapters 14 and 15, are preserved, and all were printed but chapters 3, 4 and 5.

The following are the titles of the private acts passed at the several sessions:—

“An Act Enabling Elizabeth Carder, Widow to Commence an Action at Common Law in an Authentick Copy of a certain Bond entered into by Anthony Haywood of Boston Merchant deceased, on the Seventh day of August One Thousand Six Hundred & Eighty Eight in the penal Sum of Two Hundred and Forty pounds Condition for the payment of One Hundred and Twenty Pounds with Interest unto Elizabeth Leffon since deceased.”—*[Passed July 23.]*

“An Act to Enable Richard Ireson of Marblehead in the County of Essex Cordwainer to file Reasons of Appeal in the Clerks Office of the Inferiour Court within the County of Essex in a Case lately depending between him & Edward Wilkinson of Boston in the County of Suffolk, Coaster.”—*[Passed November 19.]*

“An Act to Enable Simon Stephen of Eastham in the County of Barnstable Indian Labourer to prosecute an Appeal in a Cause lately depending between him & his Brother Stephen Mortaquit alias Stephen Stephen & one Peter Dogamus as Appellants against Thomas Nickerson junr of Chatham in the County aforesaid Labourer, Appellee.”—*[Passed November 22.]*

“An Act to Enable Jonathan Page of Groton in the County of Middlesex Husband Man to prosecute an Appeal between him & Nathaniel Sparhawk of Cambridge & Simon Gates of Marlborough in the said County of Middlesex Administrators to the Estate of Stephen Gates, Senr, Decd & to file Reasons of Appeal in the said Cause in the Clerks Office of the Inferiour Court of Common Pleas within the County of Middlesex.”—*[Passed November 28.]*

“An Act to Enable Ebenezer Newell of Roxbury in the County of Suffolk Husband Man to enter & prosecute his Appeal by him made from a Judgement given against him at the Court of General Sessions of the Peace holden at Boston for the County of Suffolk on the fifth day of April last at the Court of Assize & General Goal Delivery to be holden at Boston for the said County of Suffolk in the first Tuesday of May next.”—*[Passed December 6.]*

“An Act to Enable William Taylour of Lyn in the County of Essex, Gentleman, as he is Administrator to the Estate of Rebecca Taylour, late of Lyn aforesaid Widow decd to Enter two sev<sup>l</sup> Actions at the next Inferiour Court of Common Pleas to be held for the County of Suffolk on the first Tuesday of January next, against Christopher Taylour of Boston in the said County of Suffolk Mariner so that he may proceed to Tryal thereof in Order to recover Judgem<sup>t</sup> for two sev<sup>l</sup> Sums the one of Thirteen Pounds six Shillings & eight Pence & the other of Twenty nine Pounds, three Shillings & four pence against the said Christopher Taylour for so much due to the said Rebecca Taylour in her Life Time for Rent.”—*[Passed December 9.]*

“An Act to Enable Samuel Banister of Boston Merch<sup>t</sup> as he is Administ<sup>r</sup> of all & singular the Goods & Chattels, Rights & Credits of Thomas Banister late of Boston afores<sup>d</sup> Merch<sup>t</sup> Decd Intestate to prosecute an Appeal between him in his said Capacity & Coll. Edmund Goffe of Cambridge in the County of Middlesex Esq<sup>r</sup> & to file Reasons of Appeal in the Cause in the Clerks Office of the Inferiour Court of Common Pleas within the County of Middlesex.”—*[Passed December 16.]*

“An Act to Enable James Dike of Gloucester in the County of Essex to Prosecute an Appeal from a Judgement given against him by Epes Sargeant Esq<sup>r</sup> one of his Majesties Justices of the Peace for the said County in a Cause lately depending before the s<sup>d</sup> Justice between the said James Dike & James Sawyer aforesaid.”—*[Passed March 25, 1721.]*

“An Act to Revive an Act entitled ‘An Act to Enable William Taylour of Lyn in the County of Essex Gentleman as he is Administrator to the Estate of Rebecca Taylour late of Lyn aforesaid Widow Decd to Enter two several Actions at the Inferiour Court of Common Pleas held for the County of Suffolk on the first Tuesday in January 1720 against Christopher Taylour of Boston in the said County of Suffolk Mariner so that he might pro-

ceeded to Tryal thereof in Order to Recover Judgement for two several Sums the One of Thirteen Pounds six Shillings & eight Pence And the other of Twenty nine Pounds, three Shillings & four Pence against the said Christopher Taylor for so much due to the said Rebecca Taylor in her Life Time for Rent' Which sd. Act was passed at the Session held the second of November 1720."—[*Passed March 29, 1721.*]

The acts of this year appear to have been received by the Board of Trade as early as August 9, 1721, and, with the exception of chapters 3, 4, 5 and 14 were included in the list of acts referred to Mr. West October 15, 1724, as shown in the NOTES to 1719–20, *ante*. To all of these, except chapter 7, Mr. West reported that he had "no objection to their being passed into Law." His objections to chapter 7 are shown in the note to that chapter, *post*. These acts were again considered by the Board in 1735, without objection.

The following extract from Governor Shute's letter enclosing these acts, or some of them, is deemed sufficiently interesting to be inserted here. It will be seen by the extract from the Journals of the Board of Trade, which follows, that the acts enclosed were laid before the Board at the date above stated:—

"Boston, June 1. 1721.

My Lords, The Packet I have by this Ship sent to your Secretary would have been sooner dispatched had there not been one Assembly more this year than usual; at all which Assemblies the Secretary of the Province is obliged constantly to attend, which has prevented him from finishing these Minutes so soon as I could have wished, being always willing to send the R<sup>t</sup> Hon<sup>ble</sup> Board the earliest notice how the affairs of this Province proceed in the most perfect manner that I am capable of.

I shall in general observe to your Lordships that the House of Representatives in the two last Sessions have in many of their Proceedings not paid their just duty to the King's Royal Prerogative but have endeavoured to exceed the bounds granted to them in the Royal Charter; neither have they had a just regard to His Majesty's Instructions given to me their Governor which I have often communicated to them.

I take the liberty to assure your Lordships that I have always strenuously endeavoured to assert the Royal Prerogative (for which I have not a little suffered as to my own private interest) and cannot but say His Majesty's Council have in a great measure assisted me in it. I shall not enter into the particular points in my letter wherein the House of Representatives have endeavoured to exceed the privileges granted to them in their Charter because the Minutes and Papers that are herewith transmitted will give your Lordships a full & perfect account how the affairs of this Province stand.

I therefore take leave to refer the Rt. Hon<sup>ble</sup> Board to my speech at the Dissolution of the late Assembly which you will find in the last Paragraph of the Minutes in the Sessions held in March 1720 by the perusal whereof your Lordships will see the particulars of the complaint I make of their Proceedings.

I must also remark that the House of Representatives generally consist of persons (better adapted to their farming affairs than to be Representatives of the Province) who are drawn into any measures by the craft and subtlety of a few designing persons who when they are endeavouring to invade the Royal Prerogative, make the unthinking part of the Assembly believe that they only are asserting the just privileges of the people and by this false guise these men become the favourites of the populace who believe them to be the only Patriots of the Country.

At the head of this party presides one Elisha Cooke Esq who was removed out of the Council for denying His Majesty's Title to the Woods in the Province of Maine, notwithstanding the Acts of Parliament made in that case, and in the last Sessions of Assembly continues to pursue the same measures to the great prejudice of the Crown of Great Britain, which will more fully appear by the papers I have now transmitted \* \* \* \* \*

I shall always with pleasure receive the commands of the Rt. Hon<sup>ble</sup> Board, being with great regard  
My Lords Your Lordships most hum<sup>ble</sup> Serv<sup>t</sup> SAMUEL SHUTE

To the Rt. Hon<sup>ble</sup> The Lords of Trade and Plantations "

" (*Indorsed*) Rec<sup>d</sup> 2<sup>nd</sup> Aug<sup>t</sup> Read 9<sup>th</sup> D<sup>e</sup> 1721."

" (*Inclosure*) 'The Answer of the House of Representatives to his Excellency the Governour's Speech. (signed) TIMO LINDALL, *Speaker*.'

March 21. 1720"—*Public Record Office*: "N. E., Board of Trade," vol. 13, X. 24.

WHITEHALL, Wednesday, August 9<sup>th</sup> 1721.

At a Meeting &c \* \* \* \* \*

A Letter from Col<sup>l</sup> Shute, Gov<sup>r</sup> of the Massachusetts Bay &c dated 1<sup>st</sup> of June last, was read & the undermention'd Acts & publick papers lately receiv'd from that Province, were laid before the Board \* \* \* \* \* whereupon Order'd that an Abstract be made of the Minutes refer'd to, in the said Letter, relating to the Assembly's opposing the King's Prerogative and disregard to His Majesty's Instructions:—"Trade-papers (*Journals*);"—in *Public Record Office*, vol. 25, p. 275.

*Chap. 3.* "July 14, 1720 Benjamin Lynde & Jonathan Belcher Esq<sup>s</sup> went down to the House of Represent<sup>es</sup> on the following Message; Viz.,

That the Resolves of the General Court have determined that the Seventeen Thousand Pounds to be drawn in this Year be levied by a Tax on Polls & Estates without Mentioning any other Fund & Security for the same, And therefore the Board propose an Amendment in that Part of the Preamble of the Impost Bill, Which expresses that the Duties of Impost & Tonnage of Shipping were to be in Part a Fund and Security for Drawing in the said Seventeen Thousand Pounds."—*Council Records*, vol. XI., p. 11.

*Chap. 4.* "July 20, 1720. In the House of Represent<sup>es</sup> July 19, 1720. Voted that Six Thousand Pounds only of the Seventeen Thousand Pounds granted in the Years 1714 & 1717 be levied and raised on Polls & Estates, And that the Duties of Impost and Tonnage of Shipping with the Income of the Bills lent out, the Light House &c be a Fund and Security for the Drawing in of the remaining Eleven Thousand Pounds.

In Council; Read & Voted that Samuel Sewall, Addington Davenport, Thomas Hutchinson & Thomas Fitch Esq<sup>rs</sup> carry the said Vote back to the House of Represent<sup>ves</sup> with the following Message; Viz.,

The Board propose that the Seventeen Thousand Pounds to be drawn in this Year may be levied by a Tax upon Polls & Estates, According to the Promise & Engagement of the General Assembly in the Years 1714 & 1717, That so the Income arising by the Duties of Impost & Excise & other Ways may be received in & so the Sum Total ascertain'd before they come to be reckoned Part of what shall be raised; Which may by this Means every succeeding Year be accounted Part of what is to be raised, and thereby equally ease the Tax and better support the Honour of the Government.

A Message came up from the House of Representatives by Oliver Noyes Esq<sup>r</sup> Elisha Cook Esq<sup>r</sup> John Stoddard Esq<sup>r</sup> Cpt. William Throop and M<sup>r</sup> William Stacey That the House have considered and weigh'd the last Message from the Hon<sup>ble</sup> Board relating to the Tax to be Raised this Session, And that they see no Cause to Recede from or Alter their Vote in that Matter

In Council; The Vote for a Tax of Six Thousand Pounds only (As Enter'd above),  
Read again & Concur'd Consented to, SAM<sup>l</sup> SHUTE."

—*Council Records*, vol. XI., p. 22.

Chap. 7. "To the Right Honourable the Lords Commissioners of Trade and Plantations.

My Lords, In obedience to your Lordships commands I have perused and considered an Act pass'd in the Province of the Massachusetts Bay in New England in 1720, Entitled *An Act for explanation of and supplement to an Act referring to the poor &c*

To take care of the poor is an intention so justifiable that 'tis impossible to object to it. But the power which to that end is by this Act vested in the Parish Officers is very unaccountable since at their pleasure they may disturb the peaceable living of any person whatsoever by informing for the strangest misdemeanors that were ever invented. No single person of either sex without any distinction as to their circumstances must live at their own hand, but under some orderly family Government that is, they must not keep house for themselves. This I submit to Your Lordships as a most unreasonable restraint. Another provision is, that no Woman of ill fame, married or unmarried, shall be permitted to entertain lodgers: The whole seems too hard, but to extend it to married women is unjust, since if their husbands will receive lodgers, it is not in their power to prevent it, and consequently ought not to suffer for the Act of their Husband.

For these Reasons therefore I am of opinion That this Act is not proper to be passed into Law.

All which I humbly certify to Your Lordships.

And am My Lords, Your Lordships most obedient and most humble Serv<sup>t</sup>

14 May 1725.

RICH. WEST."

[Indorsed] Rec'd May 29<sup>th</sup> 1725 Read Nov<sup>r</sup> 28<sup>th</sup> 1735

"His Objections to one only. List marked It does not appear that the Act herein objected to, has been presented to the Crown, and consequently may be repealed, if thought proper."—*Public Record Office*: "N. E., Board of Trade," vol. 23, B.b., 133.

Chap. 12. "April 12. 1735. A petition of Samuel Gerrish Register of Deeds for the County of Suffolk, Shewing that there were divers Deeds left in the Office at the death of John Ballantine Esq<sup>r</sup> the late Register, which the Petition<sup>r</sup> hath since recorded, but has not signed the Record, Apprehending that he has not power by Law to do it; that there are above five hundred Deeds enter'd in the Books but the Books not signed by the late Register, Praying that this Court would give him proper directions in the Premises.

In the House of Represent<sup>ves</sup> Read & Voted that the Petitioner M<sup>r</sup> Samuel Gerrish Register of Deeds for the County of Suffolk be & hereby is enabled & directed to certify the Record of the Deeds he found in the Office (& has since recorded) according to the time of their reception into the Office, noted on the said Deeds, and if any shall not be so noted then their Reception to bear Date the first day of his taking the Office & that the Records of the Deeds enter'd in the Books before he came into the Office, but the Book not attested, be compared with the Original by the said M<sup>r</sup> Gerrish & by him certified; which Attestation is hereby declared good & valid; And whereas some of the original Deeds may be in the possession of the Owners, & therefore the Record cannot be compared with them; to remedy this the Register is hereby directed to notify in the publick News Papers that all Persons who have Deeds recorded and not attested as soon as may be bring their Deeds to the said Office.

In Council; Read & Concur'd;—

Consented to, J. BELCHER"

—*Council Records*, vol. XVI., book 3, pp. 121, 122.

"July 21, 1741. A Petition of Ezekiel Goldthwait Register of Deeds for the County of Suffolk; praying that he may be empowered to sign the Books of the Record of such Deeds as were left unrecorded or the Record unattested by the two last Registers M<sup>r</sup> Ballantine and M<sup>r</sup> Gerrish.

In the House of Represent<sup>ves</sup> Read & Voted that M<sup>r</sup> Ezekiel Goldthwait, Register of Deeds for the County of Suffolk be enabled and directed to certify the Record of the Deeds he found in the Office (and has since recorded) according to the time of their reception into the Office noted on the said Deeds, and that the Records of the Deeds entered in the Books, but the Books not attested either by John Ballantine Esq<sup>r</sup> the former Register or M<sup>r</sup> Samuel Gerrish the late Register be compared with the Original by the said M<sup>r</sup> Goldthwait, and by him be certified, and such Attestation is hereby declared good and valid."—*Ibid.*, vol. XVII., p. 24.

Chap. 14. At the November session in the House a bill for making and emitting £100000 in bills of credit passed to be engrossed, and was read three times in the Council, who unanimously non-concurred, December 7. Another bill to the same effect having passed to be engrossed, in the House at the third session, was unanimously non-concurred in by the Council, March 21, 1720-21. The following proceedings then ensued:—

"March 21, 1720. In Council; Ordered that a Message be sent down to the House of Representatives That the Board have Non-Concur'd the Bill for Making and Emitting the Sum of One Hundred Thousand Pounds in Bills of Credit of this Province in such Manner as in the said Bill is Declared; That the Board are willing (& therefore Propose) That a reasonable & sufficient Sum of Province Bills be made & Issued this Session in some just safe & convenient Method (So always that the Value of the publick Bills be not depreciated) as well for the Assistance of the Government, the Ease of Trade & of such as have taken up of the publick Moneys, as for the Encouragement of the Produce & Manufactures of the Province: And if the House will raise a Committee for that Purpose, The Board are very willing & ready to join in it, And to Communicate to them some Projections that have been lately prepared for that Purpose: Sent down by Penn Townsend, Edward Bromfield & John Otis Esq<sup>rs</sup> & the Secretary."—*Council Records*, vol. XI., p. 136.

"March 21, 1720. In the House of Representatives Ordered that Elisha Cook, Isaac Little Esq<sup>r</sup>, M<sup>r</sup> Ebenezer Austin, M<sup>r</sup> Nath<sup>l</sup> Knolton, Coll. William Dudley, Coll. Henry Somersby, Cpt. William Throop & Major Meletiah Bourne with such as the Hon<sup>ble</sup> Board shall appoint be a Committee to project & lay before the Court a Draught of a Bill or Bills for the Emission of One Hundred Thousand Pounds in Bills of Credit on this Province in the best & most advantageous Manner that may be for a Medium of Trade and Commerce & Encouragement of the Produce & Manufactures of the Province.

In Council Read & Concur'd with the following Amendment: Viz., Instead of the Words [One Hundred Thousand Pounds] the Words [A sufficient and reasonable Sum] And that Samuel Sewall, Penn Townsend, Thomas Hutchinson, Samuel Brown, John Cushing, Nathaniel Payne & John Otis, Esq<sup>rs</sup> be Joined with the Committee of the House for the Affair aforesaid.

The said Vote was sent down with a Message; Viz., That inasmuch as the Method of Raising & Emitting of Bills of Credit is left to the Committee to prepare & Report to the General Assembly, The Board is of Opinion That it will be best for the Committee to Consider also of y<sup>e</sup> *Quantum* or Sum to be Issued.

In the House of Representatives The said Amendment was Read & Non-Concur'd, And Voted that the House insist on their Vote."—*Ibid.*, p. 137.

"March 22, 1720. The Order for a Committee to prepare the Draught of a Bill or Bills for Making & Emitting of Bills of Credit, being insisted on by the House without the Amendment, As Enter'd Yesterday.

In Council: Read & Voted that the Board do adhere to their Vote above.

In the House of Representatives Read & Concur'd with the Amendment.—*Ibid.*, p. 138.

"March 27, 1721. A Bill entitled An Act for the Making the Sum of Fifty Thousand Pounds in Bills of Credit on this Province in such Manner as is hereafter express'd:—Having been Read three several Times in the House of Representatives, & there Pass'd to be Engross'd.

In Council; Read a first & second Time."—*Ibid.*, p. 144.

"March 28, 1721. A Bill entitled An Act for the Making & Emitting the Sum of Fifty Thousand Pounds in Bills of Credit on this Province in such a Manner as is hereafter Express'd:—In Council; Read a second Time & Debated."—*Ibid.*, p. 146.

"March 29, 1721. A Bill entitled An Act for the Making & Emitting the Sum of Fifty Thousand Pounds in Bills of Credit on this Province in such Manner as is hereafter express'd.

In Council; Read a third Time & Pass'd a Concurrence to be Engross'd, with Amendments.

Which Amendments were Read in the House of Representatives, and some of them Agreed to, And the Bill insisted on with a Disagreement to the other Amendments."—*Ibid.*, p. 147.

"March 29, 1721. The following Message was sent down from y<sup>e</sup> Board with the Bill for Making & Emitting the Sum of £50,000, in Bills of Credit, by Addington Davenport, Samuel Thaxter Esq<sup>r</sup> and the Secretary, Viz,

In Council: Voted that a Message be sent down to the Hon<sup>ble</sup> House of Representatives That the Board propose that a suitable sum in Bills of Credit over & above the Thirty Thousand Pounds, be lodged in the publick Treasury for Encouraging & Purchasing of Hemp Flax or such other Produce of the Province as may be thought proper."—*Ibid.*, p. 148.

"March 31, 1721. In the House of Representatives Ordered that the Committee who made the last Bills of Credit on this Province be Desired & Directed to Print & finish off as soon as may be the Sum of Fifty Thousand Pounds upon the Plates & in Proportion as is Directed in the Bill Entitled An Act for the Making & Emitting the Sum of Fifty Thousand Pounds in Bills of Credit on this Province in such Manner as is hereafter Directed, Pass'd this Session And Deliver them to the Province Treasurer Taking his Receipt for the same The said Committee to be paid for their Service as for the last they made.

In Council; Read & Concur'd.—Consented to, SAM<sup>l</sup> SHUTE"

—*Ibid.*, p. 150.

"June 16, 1721. In the House of Representatives June 14, 1721. Ordered that the Thirty Thousand Pounds already finish'd (As by Advice of the Committee) being Part of the Fifty Thousand Pounds Order'd to be Issued by the General Court at their last Sessions shall be lodged in the Hands of the Province Treasurer until the Whole be finished.

In Council, Read & Concur'd.—Consented to, SAM<sup>l</sup> SHUTE."

—*Ibid.*, p. 171.

"Sept. 7, 1721. In the House of Representatives Whereas by an Act of this Government for Emitting the Sum of Fifty Thousand Pounds in Bills of Credit Pass'd at a Session of the Great & General Court or Assembly held at Boston by Prorogation on Wednesday the fifteenth Day of March last Past, It is Enacted That the Province Treasurer as soon as he shall have received the said Bills shall Notify the Select Men of the several Towns thereof That so they may assemble the Freeholders qualified as in the act is provided to Proceed & Take out their Proportion of the said Bills, If they see meet & deliver them to their respective Trustees or their Order Taking their Receipt for the same.' M<sup>r</sup> Treasurer Allen informing the House that Forty Thousand Pounds of the Fifty Thousand are made & finished, But that the other Ten Thousand Pounds being made off of the Plates of the



lowest Denominations necessarily demand some further Time before they will be brought to him : Wherefore, Resolved that Mr Treasurer Allen shall & may (Notwithstanding the aforesaid clause in the Act) Give out to the Trustees (or their Order) of all such Towns as apply to him for their Proportion of the Fifty Thousand Pounds as far as the Bills in his Hands will enable him And that the Select Men of the several Towns assemble the Freeholders of their respective Towns to Chuse Trustees for Disposing of their proportionable Sums.

In Council; Read & Concur'd—  
—*Ibid.*, p. 232.

Consented to, SAM<sup>L</sup>. SHUTE."

(a.) "July 22. 1720 In the House of Representatives July 21, 1720.

Resolved that the Treasurer be & hereby is directed to Issue forth and Emit the Sum of Five Thousand Pounds of the Bills of publick Credit that are or shall be received into the Treasury for Payment of the publick Debts of the Province already contracted for the Defence and Support of the Government and the necessary Protection & Preservation of the Inhabitants of this Province and for the Forts & Garrisons and the Wages arising for their Service, For the Payment of Grants, Salaries & Allowances made & to be made by this Court, According to such Draughts as from Time to Time shall be made upon him by Warrant or Order of the Governour or Commander in Chief for the Time being by and with the Advice & Consent of the Council, And the said Bills shall pass out of the Treasury at the Value therein express'd equivalent to Money, and shall be so taken and Accepted in all public Payments.

And as a Fund & Security for the same, There be & hereby is Granted to his most Excellent Majesty to the Ends & Uses aforesaid a Tax of Five Thousand Pounds to be levied upon Polls and Estates both Real & Personal within this Province according to such Rules and in such Proportion upon the several Towns and Districts within the same as shall be Agreed on and Order'd by the Great and General Court or Assembly of this Province at their Session in May One Thousand seven hundred and twenty four and Payd into the Treasury the last Day of December next after;

And whereas through the Scarcity of Bills of publick Credit It grows difficult for Persons to convert the Produce of their Lands and other Effects into Bills and pay their Rates in them;

It is further Ordered that the Inhabitants of this Province shall have Liberty (If they see Cause) to pay the several Sums that shall be on them respectively Assess'd in the Species hereafter mention'd At such Rates and Prices as the General Assembly shall sett them: Viz., In good Barrel Beef or Pork, Or in Wheat, Pease, Barley, Rye, Indian Corn, Oats, Flax, Hemp, Bees Wax, Butter in Firkins, Cheese, Hides, Tan'd Leather, Dry Fish, Mackeril in Barrells, Oyl, Whale Bone, Bayberry Wax or Tallow; Which Species shall be received by the Treasurer of the several Constables or Collectors to be by him disposed of to the best Advantage for the Calling in of the said Bills into the Treasury; And if any Loss by the Sale of the aforesaid Species or by any other unforeseen Accident shall arise, Then such Deficiencies shall be made good by a Tax of the Year next following, So as fully & effectually to call in the whole Sum of Five Thousand Pounds of Bills Emittted as aforesaid.

In Council; Read & Concur'd—  
—*Council Records*, vol. XI., p. 28.

Consented to, SAM<sup>L</sup>. SHUTE."

(b.) "Dec. 10. 1720. In the House of Representatives Dec. 9. 1720;

Resolved that the Treasurer be & hereby is directed to Issue forth & Emit the Sum of Ten Thousand Pounds of the Bills of publick Credit that are or shall be received into the Treasury for payment of the publick Debts of the Province already contracted for the Defence & Support of the Government and the necessary Protection & Preservation of the Inhabitants of this Province And for Subsisting of Forts & Garrisons & the Wages arising for their Service, For Payment of Grants, Salaries & Allowances made & to be made by this Court According to such Draughts as from Time to Time shall be made upon him by Warrant or Order of the Governour or Commander in Chief for the Time being by & with the Advice & Consent of the Council.

And the said Bills shall pass out of the Treasury at the Value express'd in them equivalent to Money and shall be so taken and Accepted in all Publick Payments;

And that the Dutys of Impost & Excise shall be a Fund & Security for the Repayment & Drawing the said Bills into the Treasury again;

And as a further Fund & Security for the same, It is further Resolved That there be & hereby is Granted to his most Excellent Majesty for the Ends & Uses as aforesaid a Tax of Ten Thousand Pounds to be Levied upon Polls & Estates both Real & Personal within this Province According to such Rules & in such Proportion as shall be Agreed on & Ordered by the Great & General Assembly of this Province at their Session in May Anno One Thousand seven Hundred & twenty-five, And paid into the Treasury on or before the last Day of December next after.

And whereas through the Scarcity of Bills of Credit It grows difficult for Persons to convert the Produce of their Lands & other Effects into Bills & Pay their Rates in them; It is further Ordered that the Inhabitants of this Province shall have Liberty (If they see Cause) to pay the several Sums that shall be on them respectively Assess'd in the several Species hereafter mention'd At such Rates and Prices as the General Assembly shall set them Viz., In good, merchantable Barrel Beef or Pork or in Wheat, Peas, Barley, Rye, Indian Corn, Oats, Flax, Hemp, Bees Wax, Butter in Firkins, Cheese, Hides, Tan'd Leather, Dry Fish, Mackeril in Barrells, Oyl, Whale Bone, Bay berry Wax or Tallow, Which several Species shall be received by the Treasurer of the several Constables or Collectors and be by him Disposed of to the best Advantage for the Calling in of the said Bills into the Treasury;

And if any Loss by the Sale of any of the aforesaid Species or by any other unforeseen Accident shall arise Then such Deficiency shall be made good by a Tax of the Year next following So as fully & effectually to Call in the Whole of the said Sum of Ten Thousand Pounds of Bills Emittted as aforesaid.

In Council Read & Concur'd with Amendments."—*Ibid.*, vol. XI., p. 105.



"Dec. 12. 1720. The Resolve of the House for Emitting Ten Thousand Pounds, Being Concur'd Yesterday at the Board with the following Amendment; viz., [At the Advance & after the Rate of Five per Cent. more] Which relates to the Receiving of the Bills into the Treasury & the Word [Merchantable] relating to the Species of Goods to be received. In the House of Represent<sup>ves</sup> Voted that the last Amendment be Agreed to but not the first."—*Ibid.*, p. 109.

"Dec. 15. 1720 The Resolve of the House of Represent<sup>ves</sup> for Emitting Ten Thousand Pounds As Enter'd Dec. 10. 1720, Only with the Amendm<sup>t</sup> of the Word [Merchantable] In Council; Read & Concur'd— Consented to, SAM<sup>LL</sup> SHUTE."—*Ibid.*, p. 118.

"Decem<sup>r</sup> 15. 1720. A Message went down to the House of Represent<sup>ves</sup> by Thomas Fitch Esq<sup>r</sup> and Edmund Quincy Esq<sup>r</sup> That the Board had Concurred the Resolve of the House for the Emission of Ten Thousand Pounds without the Amendment relating to the Advance of Five per Cent in paying the Bills into the Treasury."—*Ibid.*, p. 121.

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ACTS,  
PASSED 1721.

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# ACTS

PASSED AT THE SESSION BEGUN AND HELD AT BOSTON,  
ON THE THIRTY-FIRST DAY OF MAY, A.D. 1721, AND  
HELD BY ADJOURNMENT, AT CAMBRIDGE,\* ON THE  
SIXTH DAY OF JUNE FOLLOWING.

## CHAPTER 1.

AN ACT FOR GRANTING UNTO HIS MAJESTY AN EXCISE UPON WINES,  
LIQUOR AND OTHER STRONG DRINK, SOLD BY RETAIL.

WE, his majesty's most loyal and dutiful[1] subjects, the representa- Preamble.  
tives of the province of the Massachusetts Bay, in general court assem-  
bled, being desirous to lessen the present debt of the province, by  
drawing in a number of the bills of credit, in pursuance of the several  
grants of this court in the years 1718 and 1719, have cheerfully and  
unanimously granted, and do hereby give and grant unto his most  
excellent majesty for the ends and uses abo[vo]ve mentioned, and for  
no other uses, an excise upon all brandy, rum and other spirits dis-  
tilled, and upon all wine whatsoever, sold by retail in this province, to  
be raised, levied, collected and paid, by and upon every taverner, inn-  
holder, common victualler and retailer within each respective county, in  
manner following:—

*And be it accordingly enacted by His Excellency the Governour, Council  
and Representatives in General Court assembled, and by the authority  
of the same,*

[SECT. 1.] That from and after the twenty-ninth day of June, one Time limited.  
thousand seven hundred and twenty-one, for and during the space of five  
years next coming, every person licen[s][e]d for retailing brandy, rum  
or other spirits, or wine, shall pay the dut[ie][y]s following; vizt,—  
For every gallon of rum, brandy and spirits distilled, Fees stated.  
eightpence, . . . . . £0 0s. 8d.

For every gallon of wine of every sort, eightpence, . . . . . 0 0 8

A pipe of wine to be accounted one hundred gallons.

*And it is further enacted by the authority aforesaid,*

[SECT. 2.] That there be one commissioner or more in each county, Commissioners  
appointed.  
appointed by the general court, or by the general sessions of the peace,  
where it shall happen that such commissioner[s] refuse to accept s[ai]d  
office, or be removed by death, &c., to take charge of this duty of ex-  
cise, who shall have power to inspect the houses of all such as are  
licen[s][e]d, and of such as are suspected to sell without licence;  
which commissioner shall be upon oath to take care of the due execu-  
tion of this law, and to prosecute the breakers of it, and shall have  
power to appoint underofficers upon oath.

\* [SECT. 3.] And the said commissioners shall carefully examin[e] the  
accounts of every licen[s][e]d person in his respective county, and

\* Because of the small-pox in Boston.

demand, sue for and receive the several sums due from them by this act, and shall accompt with the province treasurer upon oath, and pay into the publick treasury of this province all such sums as they shall receive within six months from the date of [their] [his] commission, and so from time to time within that space of six months, as long as [they] [he] shall continue in such office, on pain and forfeiture of the reward given such commissioner by this act, who shall be allowed five per cent on all money by him collected and paid into the treasury, as aforesaid; each commissioner to give bond to the [satisfaction of the] justices at their first general sessions of the peace in their respective count[ie][y]s, with sufficient security for the faithful[1] discharge of his duty; and that they will duly pay in the money they shall collect to the treasurer of this province, for the time being; and that the treasurer of this province, for the time being, shall put in suit the bonds of all such commissioners who shall neglect to make due payment sixty days after the expiration of each year; and that the justices in each county within this province, shall on such suit [and a judgement on the forfeiture] proceed to appoint a new commissioner.

*And be it further enacted,*

Five per cent  
for collecting.

Account to be  
taken.

Within six  
months account  
to be delivered

Twenty per  
cent leakage.

General ses-  
sions to take  
recognizance.

Lodging to be  
provided for  
strangers and  
travellers.

Forfeiture of  
ten pounds to  
sell without  
license.

[SECT. 4.] That every taverner, innholder, common victualler and retailer shall, after the twenty-ninth day of June, 1721, take an exact acco[un][mp]t of all rum, brandy and other distilled spirits, and wine, then by him, and give an account of the same to the commissioner upon oath (the like account to be given by such others as shall be licen[s][c]ed during the continuance of this act) of what brandy, rum or other distilled spirits, and wine, they shall have at the time of their licence.

[SECT. 5.] That every taverner, innholder, common victualler and retailer shall make a fair entry in a book, of all such rum, brandy, distilled spirits and wine as he, or any for him, shall buy, d[i][c]still or take in for sale after such account taken, and at the end of every six months deliver the same unto the commissioner upon oath, and pay him the duty thereof, excepting such part as the commissioner shall find is still remaining by him; twenty per cent being to be allowed for leakage and other waste, for which no duty is to be paid.

[SECT. 6.] That the justices in their general sessions of the peace, be, and hereby are, directed to take sufficient recognizances of all persons by them licen[s][c]ed within the space of ten days after the granting such licence; the persons neglecting to give bond within that time shall loose the benefit thereof; and that it be inserted as one condition in the recognizance, that he shall render the above accompt upon oath.

[SECT. 7.] That every taverner, innholder or common victualler that shall be licen[s][c]ed to sell as abovesaid, shall be provided with good lodging for strangers, according to the direction of the law, upon forfeiture of five pounds for neglect, to be disposed of in manner following; vizt., two-thirds of the fine to be to the commissioner, his under-officers or the person that shall inform the commissioner; the other third to the poor of the town.

*And notwithstanding* the laws made against selling strong drink without licence, many people, not regarding the penalties and forfeitures in said acts, do receive and entertain persons in their houses, and sell great quantities of spirits and other strong drink, by reason whereof great debaucheries are committed and kept secret, and such as take and pay for their licences wronged and injured thereby,—

*Be it therefore further enacted,*

[SECT. 8.] That whosoever, after the twenty-ninth day of June, 1721, shall presume to sell brandy, rum or other distill'd spirits, wine, beer, cyder or perry, or any other strong drink, without license first had



and obtained from the general sessions of the peace, shall, for every offence forfeit the sum of ten pounds, one-third to the poor[c] of the town where the offence is committed, one-third to the commissioner, and the other third to any person that shall inform the commissioner, as by this act is before provided, and costs of prosecution; and all such as shall refuse or neglect to pay the fine and costs shall be whipt at the common whipping-post not exceeding twenty stripes, and not less than ten, and stand committed in the common goal of the county for the space of ten days, or pay the costs of prosecution that shall be awarded against [him] [them].

[SECT. 9.] That when and so often as it shall be observed that there is a resort to houses suspected to sell strong drink without licence, any justice of the peace shall have full power to convene such persons before him, and examin[e] them on oath of the person suspected of selling or retailing strong drink in such houses, and on just ground to bind over the person transgressing, and the witnesses, to the next general sessions of the peace for the county where such offence shall be committed.

Houses not  
licensed.

*And be it further enacted by the authority aforesaid,*

[SECT. 10.] That any person refus[e]ing to give evidence, as aforesaid, shall be lyable to the same penalty that the persons convicted for selling of drink without licence are liable unto, and shall enter into recognizance to answer it at the next general sessions of the peace in the county where such contempt is offered.

Persons refus-  
ing to give  
evidence.

[SECT. 11.] That every taverner, innholder, common victualler or retailer, who shall refuse to renew his licence at the time by law appointed, and to give bond to pay the dut[ie][y]s of this act, shall be afterwards excluded during the continuance of this act.

Persons refus-  
ing to renew  
licence.

[SECT. 12.] That every taverner, innholder, common victualler or retailer, who shall be found to give a false account, knowingly, of any brandy, distilled spirits and wine by him at the time, or bought d[i][e]s-tilled or taken in for sale, after his licence is renewed, or new granted, or refuse to give in an account on oath, as aforesaid, shall be rendred incapable of having a licence afterwards, and shall be prosecuted by the commissioner for his neglect, and ordered by the general sessions of the peace to pay such sum of money as they may conclude that the excise of the liquors, &c., by him sold within such time would have amounted to, to be paid to the commissioner for the use of the province.

Innholder, &c.,  
giving a false  
account.

[SECT. 13.] And all fines, forfeitures and penalties aris[e]ing by this act, shall be recovered by bill, plaint or information in any of his majesty's courts of record within the respective count[ie][y]s where the offence shall be committed, or by presentment of the grand jury, who are hereby strictly enjoyned to inform and present all breaches of this act.

Fines and for-  
feitures, how  
disposed of.

*Provided always,* and it is the true intent and meaning of this act,—

[SECT. 14.] That if any taverner, retailer or common victualler shall buy of another taverner or retailer such small quantities of liquors as the law obliges him to account to the commissioner for, and pay the excise, the taverner, retailer or common victualler shall notwithstanding, be accountable and pay the excise, as if none had been paid by the person he bought the same of. [Passed June 16; published June 29.]

Taverner, &c.,  
to account for  
small quanti-  
ties.

## CHAPTER 2.

## AN ACT FOR GRANTING UNTO HIS MAJESTY SEVERAL RATES AND DUTIES OF IMPOST AND TUNNAGE OF SHIPPING.

WEE, his majesty's loyal and dutiful subjects, the representatives of his majesty's province of the Massachusetts Bay in New England, considering the necessity of calling in the sum of sixteen thousand two hundred and fifty pounds granted to his present majesty, by bills emitted at the several sessions, *annis* 1718 and 1719, to be levied and collected in this present year, have chearfully and unanimously given granted, and do hereby give and grant, unto his most excellent majesty, to the ends, uses and intent aforesaid, and for no other use, the several dutys of impost upon wines, liquors, goods, wares and merchandize that shal be imported into this province, and tunnage of shipping, hereafter mentioned and expressed, for calling in the sum of twenty-five hundred pounds, part of the said sum of sixteen thousand two hundred and fifty pounds abovementioned; and pray that it may be enacted,—

*And be it accordingly enacted by His Excellency the Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

[SECT. 1.] That after the publication of this act there shall be paid by the importer of all wines, liquors, goods, wares and merchandize that shall be imported into this province from the place of their growth (salt, cotton-wool, provision and every other thing of the growth and produce of New England excepted), the severall rates and dutys of impost following; viz<sup>t</sup>,—

For every pipe of the comon wine of the Western Islands, twenty shillings.

For every pipe of Canary, twenty-five shillings.

For every pipe of Madera or Passada, twenty shillings.

For every pipe of other sorts not mentioned, twenty shillings.

For every hogshead of rum, containing one hundred gallons, twenty shillings.

For every hogshead of sugar, two shillings.

For every hogshead of mollasses, one shilling.

For every hogshead of tobacco, twenty shillings.

For every ton of logwood, three shillings.

And so proportionably for greater or lesser quantities.

For all other comodities, goods or merchandize not mentioned or excepted, one penny for every twenty shillings value; all goods imported from Great Britain excepted.

[SECT. 2.] And for any of the above wines, liquors, goods, wares, merchandize, &c, that shall be imported into this province from any other ports than the places of their growth and produce, there shall be paid by the importer double the value of impost apointed by this act to be received for every species abovementioned, unless they doe *bona fide*, belong to the inhabitants of this province, and come upon their risque from the port of their growth.

*And be it further enacted by the authority aforesaid,*

[SECT. 3.] That all the aforesaid imposts, rates and dutys shall be paid in currant money, or in bills of credit of this province, by the importer of any wines, liquors, goods or merchandize, unto the commissioner and receiver to be appointed, as is hereinafter directed, for entring and receiving of the same, at or before the landing of any wines, liquors, goods or merchandize; only the commissioner or receiver is hereby al-

lowed to give credit to such person or persons, where his or their duty of impost in one ship or vessell doth exceed the sum of ten pounds. And in case where the commissioner or receiver shall give credit, he shall settle and ballance his accompts with every person, so that the same accompts may bee ready to present to this court in May next. And all entries where the impost or duty to be paid doth not exceed four shillings shall be made without charge to the importer, and not more than sixpence to be paid for any other single entry to what vallue soever.

*And be it further enacted by the authority aforesaid,*

[SECT. 4.] That all masters of ships or other vessells coming into any harbour or port within province, from beyond sea, or from any other province or collony, before bulk be broken and within twenty-four hours after his arrivall in such harbour or port, shall make a report to the commissioner or receiver of the impost, to be appointed as is hereafter mentioned, of the contents of the lading of such ship or vessell without any charge or fee to be demanded or paid for the same; which report such master shall give in to the said commissioner or receiver under his hand, and shall therein set down and express the quantities and species of the wines, liquors, goods and merchandizes loaden on such ship or vessell, with the marks and numbers thereof, and to whome the same is consigned, and also make oath that the said report or manifest of the contents of his loading, so to be by him given in under his hand as aforesaid, contains a just and true accompt, to the best of his knowledge, of the whole lading taken on board and imported in the said vessell from the port or ports such vessell came from, and that he hath not broken bulk nor delivered any of the wines, rum or other distilled liquors or merchandizes loaden on said ship or vessell, directly or indirectly; and that if he shall know of any more wines, liquors, goods or merchandize to be imported therein, before the landing thereof he will cause it to be added to his manifest; which manifest shall be agreeable to a printed form made for that purpose, which is to be filled up by the said commissioner or receiver according to each perticular person's entry: which oath the commissioner or receiver is hereby impowred to administer, after which such master may unload, and not before, on pain of one hundred pounds to be forfeited and paid by each master that shall neglect his duty in this behalfe.

*And be it further enacted by the authority aforesaid,*

[SECT. 5.] That all merchants, factors and other persons, importers, being owners of or having any of the wines, liquors, goods or merchandizes consigned to them that by this act are lyable to pay impost or duty, shall by themselves or order make entry thereof in writing under their hands, with the said commissioner or receiver, and produce unto him the originall invoice of all such goods as pay *ad valorem*, and make oath thereto in manner following:—

You, A. B., do swear that the entry of the goods and merchandize by you now made contains the true vallue, agreeable to the original invoice herewith exhibited, and that, according to your best skill and judgment, is not less then the real cost thereof. So help you God.

—and pay the duty and impost by this act required, before such wines, liquors, goods, wares or merchandize be landed or taken out of the vessell in wch the same shall be imported, on pain of forfeiting all such wines, liquors, goods, wares or merchandize so landed or taken out of the vessel in which the same shall bee imported.

[SECT. 6.] And no wines, liquors, goods, wares or merchandizes that by this act are lyable to pay impost or duty, shall be landed on any wharfe, or into any warehouse or other place, but in the day-time only, and that after sunrise and before sunset, unless in the presence of

and with the consent of the commissioner or receiver, on pain of forfeiting all such wines, liquors, goods, wares and merchandize, and the lighter, boat or vessell out of which the same shall be landed or put into any warehouse or other place; which abovesaid oath the commissioner or receiver is hereby impowred to administer.

[SECT. 7.] And if any person or persons shall not have and produce an invoice of the quantities of rum or liquors to him or them consigned, then the cask wherein the same is shall be gauged at the charge of the importer, that the quantitie thereof may be known.

*And be it further enacted by the authority aforesaid,*

[SECT. 8.] That every merchant or other person, importing any wines into this province shall be allowed twelve per cent for leakage: *provided* such wines have not been filled up on board; and that every hogshead, but or pipe of wine that hath two third parts thereof leaked out, shall bee accounted for outs, and the merchant or importer to pay no impost or duty for the same: and no master of any ship or vessell shall suffer any wines to be filled up on board without giving a certificate of the quantitie so filled, under his hand, before the landing thereof, to the commissioner or receiver of the impost in such port, on pain of forfeiting the sum of fifty pounds.

[SECT. 9.] And if it be made appear that any wines imported in any ship or vessell be decayed at the time of unlading thereof, or in twenty days afterwards, oath being made before the commissioner or receiver that the same hath not been landed above that time, the dutys and impost paid for such wines shall be repayd unto the importer thereof.

*And be it further enacted by the authority aforesaid,*

[SECT. 10.] That the master of any ship or vessel importing any wines, liquors, goods, wares or merchandize shall be lyable to and shall pay the impost for such and so much thereof contained in his manifest as shall not be duly entred, nor the duty paid for the same, by the person or persons to whome such wines, liquors, goods, wares or merchandize are or shall be consigned; and it shall and may be lawful to and for the master of every ship or other vessell to secure and detain in his hands, at the owner's risque, all such wines, liquors, goods, wares or merchandize imported in such ship or vessel, until he shall receive a certificate from the commissioner or receiver of the impost that the duty for the same is paid, and untill he be repaid his necessary charges in securing the same; or such master may deliver such wines, liquors, goods, wares or merchandize as are not entred, unto the commissioner or receiver of the impost in such port, or his order, who is hereby impowred and directed to receive and keep the same at the owner's risque until the impost thereof with charges be paid, and then to deliver such wines, liquors, goods, wares or merchandize as such masters shall direct.

*And be it further enacted by the authority aforesaid,*

[SECT. 11.] That the commissioner or receiver of the impost in each port shal be and hereby is impowred to sue the master of any ship or vessell, for the impost or duty, for so much of the lading of any wines, liquors, goods, wares and merchandizes, imported therein according to the manifest by him to be given upon oath as aforesaid, as shall remain not entred and the duty or impost thereof not paid; and where the goods, wares or merchandize are such as that the value thereof is not known, whereby the impost to be recovered of the master for the same cannot be ascertained, the owner or person to whome such goods, wares or merchandize are or shall be consigned shall be summoned to appear as an evidence at the court where suit for the impost and duty thereof shall be brought, and be there required to make oath to the vullue of such goods, wares or merchandizes.



*And be it further enacted by the authority aforesaid,*

[SECT. 12.] That the ship or vessell, with her tackle, apparel and furniture, the master of which shall make default in anything by this act required to be performed by him, shall be lyable to answer and make good the sum or sums forfeited by such master according to this act, for any such default, as also to make good the impost or duty for any wines, liquors, goods, wares or merchandizes not entred as aforesaid; and upon judgment recovered against such master, the said ship or vessell, or so much of the tackle or appurtenances thereof as shall be sufficient to satisfie said judgment, may be taken in execution for the same; and the commissioner or receiver of the impost is hereby impowred to make seizure of such ship or vessell, and detain the same under seizure until judgment be given in any suit to be commenced and prosecuted for any of the said forfeitures or impost, to the intent that if judgment be rendred for the prosecutor or informer, such ship or vessell and appurtenances may be exposed for satisfaction thereof as is before provided: *unless* the owners, or some on their behalfe, for the releasing of such ship or vessell from under seizure or restraint, shall give sufficient security to the commissioner or receiver of the impost that seized the same, to respond and satisfie the sum or vallue of the forfeiture and dutys, with charges, that shall be recovered against the master thereof upon suit to be brought for the same as aforesaid; and the master occasioning such loss and damage unto his owners through his default or neglect shall be lyable unto their action for the same.

*And be it further enacted,*

[SECT. 13.] That the naval officer within any of the ports of this province shall not clear or give passes to any master of any ship or other vessell, outward bound, until he shall be certified, by the commissioner or receiver of the impost, that the duties and impost of the goods last imported in such ship or vessell are paid or secured to be paid. And the commissioner or receiver of the impost is hereby impowred to allow bills of store to the master of any ship or vessell importing any wines or liquors, for such private adventures as shall belong to the master or seamen of such ship or other vessell, at the discretion of the commissioner or receiver, not exceeding three per cent of the lading; and dutys payable by this act, for such wines or liquors, in such bills of store mentioned and expressed, shall be abated.

*And be it further enacted by the authority aforesaid,*

[SECT. 14.] That all penalties or forfeitures accruing or arising by virtue of this act, shall be one-halfe to his majesty for the uses and intents for which the aforementioned dutys of impost are granted, and the other halfe to him or them that shall seize, inform and sue for the same by action, bill, plaint or information, in any of his majesty's courts of record, wherein no essoign, protection or wager of law shall be allowed; the whole charge of prosecution to be taken out of the halfe belonging to the informer.

*And be it further enacted by the authority aforesaid,*

[SECT. 15.] That there shall be paid by the master of every ship or other vessell coming into any port or ports in this province to trade or traffick, whereof all the owners are not belonging to this province, except such vessells as belong to Great Brittain, the provinces or colonys of Pensilvania, West and East Jersey, New York, Connecticut or Rhoad Island, every voyage such ship or vessell does make, the sum of eighteen pence per tunne, or [one?]\* pound of good, new gunpowder, for every ton such ship or vessell is in burthen: *saving* for that part which is owned in Great Brittain, this province, or any of the aforesaid govern-

\* Parchment destroyed.



ments, which is hereby exempted; to be paid unto the commissioner or receiver of the duties of impost, and to be employed for the ends and uses aforesaid.

[SECT. 16.] And the said commissioner is hereby impowred to appoint a meet, suitable person to repair unto and on board any ship or vessel, to take the exact measure or tonnage thereof, in case he shall suspect that the register of such ship or vessell doth not express and set forth the full burthen of the same; the charge thereof to be paid by the master or owner of such ship or vessell, before she be cleared, in case she appear to be of greater burthen, otherwise to be paid by the commissioner out of the moneys received by him for impost, and shall be allowed him accordingly by the treasurer in his accompts; and the naval officer shall not clear any vessel until he be also certified by the said commissioner, that the duty of tonnage for the same is paid, or that it is such a vessel for which none is payable, according to this act.

*And be it further enacted by the authority aforesaid,*

[SECT. 17.] That there be one fit person, and no more, nominated and appointed by this court, as a commissioner and receiver of the aforesaid duties of impost and tunnage of shipping, and for the inspection, care and management of the said office, and whatsoever relates thereunto; to receive commission for the same from the governour or commander-in-chief for the time being, with authority to substitute and appoint a deputy receiver in each port besides that wherein he resides, and to grant warrants to such deputy receivers for their said place, and to collect and receive the impost and tunnage of shipping aforesaid, that shall become due within such port, and to render the accompts thereof and pay in the same to the said commissioner and receiver; which said commissioner and receiver shall keep fair books of all entrys and duties arising by virtue of this act, also a perticular accompt of every vessel, so that the duties of impost and tunnage arising on the said vessel may appear; and the same to lye open at all seasonable times to the view and perusal of the treasurer and receiver-general of this province (or any other person or persons whome this court shall appoint), with whome he shall account for all collections and payments, and pay in all such moneys as shall be in his hands, as the treasurer or receiver shall demand it. And the said commissioner and receiver, and his deputy and deputys, before their entring upon the execution of the said office, shall be sworn to deal truly and faithfully therein, and shall attend in the office from nine to twelve of the clock in the forenoon, and from two to five of the clock in the afternoon.

[SECT. 18.] And the said commissioner and receiver, for his labour, care and expences in the said office, shall have and receive out of the province treasury the sum of seventy pounds per annum; and his deputy or deputys to be paid for their service such sum and sums as the said commissioner and receiver, with the treasurer, shall agree, upon reasonable terms, not exceeding thirty pound each; and the treasurer is hereby ordered, in passing and receiving the said commissioner's accompts, accordingly to allow the payment of such sallary or sallaries, as aforesaid, to himselfe and his deputy or deputys.

*Provided,*

[SECT. 19.] That this act shall continue in force from the publication thereof, until the twenty-ninth day of June, which will be in the year of our Lord one thousand seven hundred and twenty and two, and no longer. [*Passed June 20; published June 29.*]

## CHAPTER 3.

AN ACT FOR ALTERING THE PLACE OF THE SITTING OF THE COURT OF GENERAL SESSIONS OF THE PEACE AND INFERIOUR COURT OF COMMON PLEAS, FOR THE COUNTY OF SUFFOLK, IN JULY AND OCTOBER NEXT, AND OF THE SUPERIOUR COURT OF JUDICATURE, COURT OF ASSIZE AND GENERAL GOAL DELIVERY, TO BE HELD FOR THE SAID COUNTY IN NOVEMBER NEXT, FROM THE TOWN OF BOSTON TO THE TOWN OF ROXBURY, WITHIN THE SAID COUNTY.

WHEREAS it hath pleased God, in his providence, to visit the town of Boston with the contagious and grievous sickness of the small-pox, and to permit the spreading of it there, by reason whereof many persons concerned in the courts hereafter mentioned may be discouraged and hindered from attending the same, if held at Boston,—

*Be it therefore enacted by His Excellency the Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

That the court of general sessions of the peace and inferiour court of common pleas, appointed by law to be held in Boston, for the county of Suffolk, on the first Tuesday of July, and on the first Tuesday of October next; and also the superiour court of judicature, court of assize and general goal delivery, to be holden at Boston, for the said county of Suffolk, on the first Tuesday of November next, be all and each of them severally holden at Roxbury, within the said county of Suffolk, upon the same several days appointed for the holding of them in the said town of Boston; and all actions, suits, pleas, appeals, reviews, recognizances, informations, inditements, warrants or other process, w<sup>ch</sup> are or may be brought, and are or shall be depending to be heard and tryed at the said several courts of general sessions of the peace and inferiour court of common pleas and the said superiour court of judicature, court of assize and general goal delivery, at Boston aforesaid, be, for the reason and occasion above expressed, heard and tryed by and before the said several courts, on their several appointed days as aforesaid, at Roxbury, within the county of Suffolk aforesaid; any law, usage or custom to the contrary notwithstanding: *provided, nevertheless*, if it shall please God to clear the town of Boston of the infection of the small-pox before the sessions of the said courts, or either of them, in October and November next, that then it shall be in the power of his excellency the govefnour, and council, to direct the judges of the said several courts to order the said respective courts to be held at Boston as usually. [*Passed June 23; published July 3.*]

## CHAPTER 4.

AN ACT FOR APPORTIONING AND ASSESSING A TAX OF SIX THOUSAND POUNDS, UPON POLLS AND ESTATES.

WHEREAS the great and general court or assembly of the province of Massachusetts Bay in New England, at their several sessions in the years 1718 and 1719, did pass two several grants of taxes on polls and estates, as funds and security for the payment and drawing in several sums in the bills of credit on this province, ordered to be imprinted, repeated and issued out of the publick treasury for the service of the

government; that is to say, at their sessions, held the twenty-eighth day of May, 1718,\* the sum of thirteen thousand two hundred and fifty pounds; at their sessions held the twenty-seventh day of May, 1719,† the sum of three thousand pounds; applied to the ends and uses in the said grants particularly enumerated and expressed; and by the resolves of the court that made the aforesaid grants, it was then ordered that the said sum of sixteen thousand two hundred fifty pounds shall be apportioned, assessed and levied on polls and estates, both real and personal, within this province, according to such rules and in such proportion, upon the several towns and districts within the same, as shall be agreed on and ordered by this court in their present session; wherefore, for the ordering, directing and perfecting the said sum of six thousand pounds, which, with the sum of ten thousand two hundred and fifty pounds by the duties of impost and tunnage of shipping and excise, together with the income of the bills let out, and the light-house, will make the sum of sixteen thousand two hundred and fifty pounds, pursuant to the funds and grants aforesaid, which is unanimously approved, ratified and confirmed, we, his majesty's loyal and dutiful subjects, the representatives in general court assembled, pray that it may be enacted,—

*And be it accordingly enacted by His Excellency the Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

[SECT. 1.] That each town or district within this province be assessed and pay, as such town's and district's proportion of the aforesaid six thousand pounds, the sum following; that is to say,—

IN THE COUNTY OF SUFFOLK.

Boston, one thousand ninety-nine pounds two shillings and threepence, . . . . .	£1,099	2s. 3d.
Roxbury, sixty-two pounds seventeen shillings and sixpence, . . . . .	62	17 6
Dorchester, eighty-three pounds fourteen shillings and threepence, . . . . .	83	14 3
Hingham, sixty-three pounds sixteen shillings and sixpence, . . . . .	63	16 6
Brantrey, sixty-five pounds seventeen shillings and threepence, . . . . .	65	17 3
Dedham, fifty pounds eighteen shillings and threepence, . . . . .	50	18 3
Medfield, thirty pounds eighteen shillings, . . . . .	30	18 0
Medway, fourteen pounds eighteen shillings and ninepence, . . . . .	14	18 9
Weymouth, forty-four pounds four shillings and sixpence, . . . . .	44	4 6
Milton, thirty-two pounds five shillings and threepence, . . . . .	32	5 3
Hull, fourteen pounds eighteen shillings and ninepence, . . . . .	14	18 9
Wrentham, thirty-two pounds fifteen shillings and threepence, . . . . .	32	15 3
Mendon, thirty-seven pounds thirteen shillings and ninepence, . . . . .	37	13 9
Woodstock, thirty-one pounds twelve shillings and threepence, . . . . .	31	12 3
Brookline, twenty-five pounds eighteen shillings and threepence, . . . . .	25	18 3

\* NOTES to 1718-19, resolve (b).

† NOTES to 1719-20, resolve (a).

Sutton, six pounds, . . . . .	60	0	0d
Needham, nineteen pounds five shillings and ninepence, . . . . .	19	5	9
Bellingham, six pounds, . . . . .	6	0	0
Oxford, seven pounds fourteen shillings and sixpence, . . . . .	7	14	6

## IN THE COUNTY OF ESSEX.

Salem, one hundred fifty-nine pounds twelve shillings and a penny $\frac{1}{2}$ , . . . . .	159	12	1 $\frac{1}{2}$
Ipswich, one hundred seventy-one pounds eleven shillings and threepence, . . . . .	171	11	3
Newbury, one hundred forty-three pounds seven shillings and sixpence, . . . . .	143	7	6
Marblehead, one hundred thirty-five pounds eighteen shillings and a penny $\frac{1}{2}$ , . . . . .	135	18	1 $\frac{1}{2}$
Lynn, seventy-four pounds thirteen shillings and ninepence, . . . . .	74	13	9
Andover, seventy pounds twelve shillings, . . . . .	70	12	0
Beverly, sixty pounds eighteen shillings and ninepence, . . . . .	60	18	9
Rowley, fifty-six pounds ten shillings and sixpence, . . . . .	56	10	6
Salisbury, forty-nine pounds six shillings and sevenpence half-penny, . . . . .	49	6	7 $\frac{1}{2}$
Haverhill, sixty-four pounds sixteen shillings and threepence, . . . . .	64	16	3
Gloicester, seventy-two pounds four shillings and ninepence, . . . . .	72	4	9
Topshfield, thirty pounds twelve shillings and ninepence, . . . . .	30	12	9
Boxford, twenty-seven pounds eight shillings and sixpence, . . . . .	27	8	6
Almsbury, forty-four pounds fifteen shillings and ninepence, . . . . .	44	15	9
Bradford, thirty pounds three shillings and threepence, . . . . .	30	3	3
Wenham, twenty-seven pounds eighteen shillings and sevenpence $\frac{1}{2}$ , . . . . .	27	18	7 $\frac{1}{2}$
Manchester, thirteen pounds and threepence, . . . . .	13	0	3

## IN THE COUNTY OF MIDDLESEX.

Cambridge, fifty pounds nine shillings and sevenpence half-penny, . . . . .	50	9	7 $\frac{1}{2}$
Charlestown, one hundred thirty-six pounds four shillings and threepence, . . . . .	136	4	3
Watertown, fifty-five pounds eight shillings and threepence, . . . . .	55	8	3
Weston, twenty-three pounds nine shillings and fourpence half-penny, . . . . .	23	9	4 $\frac{1}{2}$
Concord, seventy-seven pounds six shillings and ninepence, . . . . .	77	6	9
Woburn, seventy-four pounds seventeen shillings and threepence, . . . . .	74	17	3
Reading, fifty-two pounds five shillings and threepence, . . . . .	52	5	3
Sudbury, sixty pounds eighteen shillings and threepence, . . . . .	60	18	3
Marlborough, fifty-nine pounds fourteen shillings and ninepence, . . . . .	59	14	9

Lewiston, thirty-six pounds one shilling and three-pence, . . . . .	£36 1s. 3d.
Newton, forty-six pounds and sevenpence half-penny, . . . . .	46 0 7½
Malden, thirty-seven pounds nineteen shillings and ninepence, . . . . .	37 19 9
Chelmsford, forty-eight pounds three shillings and threepence, . . . . .	48 3 3
Billerica, forty-seven pounds nine shillings and ninepence, . . . . .	47 9 9
Sherbourn, thirty-one pounds nineteen shillings and threepence, . . . . .	31 19 3
Westborough, thirteen pounds two shillings and ninepence, . . . . .	13 2 9
Groton, thirty-three pounds six shillings and ninepence, . . . . .	33 6 9
Lancaster, thirty-seven pounds five shillings and ninepence, . . . . .	37 5 9
Framingham, thirty-seven pounds eighteen shillings and ninepence, . . . . .	37 18 9
Medford, nineteen pounds four shillings and threepence, . . . . .	19 4 3
Stow, twenty-one pounds six shillings and one penny half-penny, . . . . .	21 6 1½
Worcester, six pounds, . . . . .	6 0 0
Dunstable, eleven pounds ten shillings and tenpence half-penny, . . . . .	11 10 10½
Dracutt, eight pounds eighteen shillings and ninepence, . . . . .	8 18 9
Leicester, one pound sixteen shillings and one penny half-penny, . . . . .	1 16 1½
Littleton, six pounds, . . . . .	6 0 0

## IN THE COUNTY OF HAMPSHIRE.

Springfield, seventy-five pounds four shillings and one penny half-penny, . . . . .	75 4 1½
Northampton, fifty-eight pounds eight shills. and tenpence half-penny, . . . . .	58 8 10½
Hadley, thirty-four pounds eight shillings and sixpence, . . . . .	34 8 6
Hatfield, twenty-eight pounds one shilling and sixpence, . . . . .	28 1 6
Westfield, twenty-nine pounds seventeen shillings and fourpence half <sup>p</sup> , . . . . .	29 17 4½
Suffield, thirty-two pounds seventeen shillings and a penny half-penny, . . . . .	32 17 1½
Enfield, twenty-six pounds and ninepence, . . . . .	26 0 9
Deerfield, fifteen pounds nineteen shillings and sixpence, . . . . .	15 19 6
Brookfield, six pounds, . . . . .	6 0 0
Sunderland, three pounds, . . . . .	3 0 0

## IN THE COUNTY OF PLIMOUTH.

Plimouth, seventy-two pounds one shilling and three-pence, . . . . .	72 1 3
Plimpton, thirty-two pounds six shillings and ninepence, . . . . .	32 6 9
Scituate, ninety-five pounds nine shillings and ninepence, . . . . .	95 9 9



Bridgewater, sixty-eight pounds three shillings and fourpence half-penny, . . . . .	£68	3s.	4½d.
Marshfield, fifty pounds eighteen shillings and threepence, . . . . .	50	8*	3
Pembroke, twenty-three pounds eight shillings and sixpence, . . . . .	23	8	6
Duxborough, thirty-one pounds nine shillings and threepence, . . . . .	31	9	[3†]
Middleborough, thirty-eight pounds four shills. and sevenpence half <sup>ty</sup> , . . . . .	38	4	[7½†]
Rochester, thirty-six pounds twelve shillings and ninepence, . . . . .	36	12	9
Abington, ten pounds twelve shillings, . . . . .	10	12	0

## IN THE COUNTY OF BRISTOL.

Bristol, forty-eight pounds, . . . . .	48	0	0
Taunton, seventy-four pounds six shillings and sixpence, . . . . .	74	6	6
Norton, with the North Purchase, twenty-nine pounds twelve shillings and ninepence, . . . . .	29	12	9
Dartmouth, eighty-one pounds twelve shillings, . . . . .	81	12	0
Dighton, thirty-three pounds nineteen shills. and sevenpence half-penny, . . . . .	33	19	7[½†]
Rehoboth, eighty pounds three shillings and one penny half-penny, . . . . .	80	3	1[½†]
Little Compton, sixty-one pounds eight shillings and sixpence, . . . . .	61	8	6
Swansey and Shawamet, fifty-three pounds and ninepence, . . . . .	53	0	9
Tiverton, twenty-seven pounds nine shillings, . . . . .	27	9	0
Freetown, twenty-four pounds nine shillings, . . . . .	24	9	0
Attleborough, thirty-three pounds nine shillings and one penny half-penny, . . . . .	33	9	1½
Barrington, seventeen pounds eighteen shillings and sixpence, . . . . .	17	18	6

## IN THE COUNTY OF BARNSTABLE.

Barnstable, eighty-two pounds sixteen shillings and ninepence, . . . . .	82	16	9
Sandwich, fifty-three pounds one shilling and threepence, . . . . .	53	1	3
Eastham, fifty-six pounds four shillings and a penny half-penny, . . . . .	56	4	1½
Truro, twenty-six pounds seventeen shillings and a penny half-penny, . . . . .	26	17	1½
Yarmouth, fifty-one pounds fifteen shillings, . . . . .	51	15	0
Harwich, thirty-five pounds sixteen shillings and threepence, . . . . .	35	16	3
Falmouth, twenty pounds eighteen shillings and one penny half-penny, . . . . .	20	18	1½
Chatham, seventeen pounds eighteen shillings and sixpence, . . . . .	17	18	6

## IN DUKES COUNTY.

Edgartown, twenty-three pounds seventeen shills. and ninepence, . . . . .	23	17	9
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\* Sic in the original.

† Parchment destroyed.

Chilmark, thirty-eight pounds sixteen shills. and sevenpence half-penny, . . . . .	£38 16s. 7½d.
Tisbury, eleven pounds eighteen shillings and ninepence, . . . . .	11 18 9

## IN THE COUNTY OF YORK.

York, forty-three pounds six shills. and threepence, . . . . .	43 6 3
Kittery, sixty-five pounds fourteen shillings and threepence, . . . . .	65 14 3
Berwick, twenty-eight pounds nineteen shillings and sevenpence half-penny, . . . . .	28 19 7½
Wells, twenty-eight pounds thirteen shillings and ninepence, . . . . .	28 13 9
Falmouth, three pounds, . . . . .	3 0 0
Biddiford, three pounds, . . . . .	3 0 0

Nantucket, seventy-seven pounds thirteen shillings and one penny half-penny, . . . . .	77 13 1½
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*And be it further enacted by the authority afores<sup>d</sup>,*

[SECT. 2.] That the treasurer do forthwith send out his warrants, directed to the selectmen or assessors of each town or district within this province, requiring them, respectively, to assess the sum hereby set upon such town and district, in manner following; that is to say, to assess all ratable male polls, above the age of sixteen years, at thirty pence per poll (except the governour and lieutenant-govern[our?]\* and their familys, the president, fellows and students of Harvard College, settled ministers and grammar-school masters, who are hereby exempted, as well from being taxed for their polls, as for their estates being in their own hand and under their actual management and improvement); and other persons (if such there be), who thro age, infirmity or extream poverty, in the judgment of the assessors, are not capable to pay towards publick charges, they may except their polls and so much of their estates as in their prudence they shall think fit and judge meet; and all estates, both real and personal, lying within the limits and bounds of such town or district, or next unto the same, not paying elsewhere, in whose hand, tenure, occupation or possession soever the same is or shall be found; and income by any trade or faculty, which any person or persons (except as before excepted) do or shall exercise in gaining by moneys or other estate, not particularly otherwise assessed, or commissions of profit in their improvement, according to their understanding and cunning, at one penny on the pound; and to abate or multiply the same, if need be, so as to make up the sum hereby set and ordered for such town or district to pay; and in making their assessment, to estimate houses and lands at six years' income of the yearly rents whereat the same may be reasonably set or let for in the places where they lye (saving all contracts betwixt landlord and tenant; and where no such contract is, the landlord to reimburse one-half of the tax set upon such houses and lands); and to estimate Indian, negro and molatto servants proportionably as other personal estate, according to their sound judgment and discretion; as also to estimate every ox of four years old and upwards, at forty shillings; every cow of three years old and upwards, at thirty shillings; every horse and mare of three years old and upwards at forty shillings; every swine of one year old and upward, at eight shillings; every sheep and goat of one year old and upwards, at four shillings: likewise requiring the assessors to make a fair list of the said assessment, setting forth in distinct columns against each

\* Parchment destroyed.

particular person's name, how much he or she is assessed at for polls, and how much for houses and lands, and how much for personal estate and income by trade or faculty; and the list or lists so perfected and signed by them, or the major part of them, to commit to the collectors, constable or constables of such town or district, and to return a certificate of the name or names of such collector, constable or constables, together with the sum total to each of them respectively committed, unto himself, sometime before the last day of September next.

[SECT. 3.] And the treasurer, for the time being, upon the receipt of such certificate, is hereby impowred and ordered to issue forth his warrants to the collectors, constable or constables of such towns or districts, requiring him or them, respectively, to collect the whole of each respective sum assessed on each particular person, before the last day of March next; and of the inhabitants of the town of Boston, to collect their proportion sometime in the month of January foregoing; and to pay in their collection and issue the accompts of the whole, at or before the last day of May next, which will be in the year of our Lord one thousand seven hundred and twenty-two.

*And be it further enacted by the authority aforesd,*

[SECT. 4.] That the assessors of each town and district, respectively, in convenient time before their making the assessment, shall give seasonable warning to the inhabitants in a town meeting, or by posting up notifications in some place or places in such town or district, or otherwise to notify the inhabitants to give or bring in to the said assessors true and perfect lists of their polls and ratable estate. And if any person or persons shall neglect or refuse so to do, or bring in a false list, it shall be lawful to and for the assessors to assess such person or persons, according to their known ability in such town, according to their sound judgment and discretion, their due proportion to this tax, as near as they can, according to the rules herein given, under the penalty of twenty shillings for each person that shall be convicted by legal proof, in the judgment of the assessors, of bringing in a false list; the said fine to be for the use of the poor of such town or district where the delinquent lives, to be levied by warrant from the assessors, directed to the constable or collector in manner as is directed for gathering of town assessments, and to be paid in to the town treasurer or selectmen for the use aforesaid: *saving* to the party aggrieved at the judgment of the assessors in setting such fine, liberty of appeal therefrom to the court of general sessions of the peace, within the county, for relief, as in case of being overrated.

[SECT. 5.] And if the party be not convicted of any falseness in the list by him presented of polls, ratable estate, and income by any trade or faculty which he doth or shall exercise in gaining, by money or other estate not particularly otherwise assessed, such list shall be a rule for such person's proportion to the tax, which the assessors may not exceed.  
[*Passed June 22; published July 15.*]

NOTES.—The General Court which met May 31, this year, held but one session, and was dissolved by the Governor in a speech given below. Although this session was distinguished by the beginning of an open conflict between the Representatives and the Governor, upon constitutional questions, some of which were subsequently settled by the explanatory charter, only four public acts and three private acts were passed, the engrossment of all of which are preserved. Only chapter one was printed with the sessions acts.

The private acts bear the following titles:—

"An Act to Enable Mary Sergeant Relict Widow & Administratrix of Thomas Sergeant late of Amesbury Decd intestate to sell & dispose of Eighteen Acres of Land being Part of a Tract of Forty Acres under Mortgage to the Commissioners of the Hundred Thousand Pounds Loan for the Use of this Province conformable to a Contract made by the said Decd some short Time before his Death."—[*Passed June 16.*]

"An Act to Enable William Man of Boston in the County of Suffolk Brasier to bring forward an Action or Writ of Review of a Plea of the Case (by him commenced against one John Guy of Brentford in the Colony of Connecticut Taylour at an Inferiour Court

of Common Pleas held at Boston on the first Tuesday of July last) at the Inferiour Court of Common Pleas to be holden at Boston for y<sup>e</sup> County of Suffolk either on the first Tuesday of July next or the first Tuesday of October next."—[*Passed June 16.*]

"An Act for the Reliefe of Gyles Dyer Gentl<sup>m</sup> Against a Judgment Obtain'd against him by John Barnard, Merch<sup>t</sup>."—[*Passed June 29.*]

Only one of the acts of this session appears to have been considered by the Board of Trade, and this act (chapter 1) was included in the list of acts referred to Mr. West, Oct. 15, 1724, as shown in the NOTES, to former years. In Mr. West's report of May 15, 1725, no mention is made of the acts of this year, except to chapter 1, to which he reported he had no objection.

The following is the Governor's speech to the Assembly alluded to above:—

"July 20. 1721—Mr. Speaker & the House being come up, His Excellency made a Speech to them in y<sup>e</sup> following Words; Viz.,—Gentlemen of the House of Represent<sup>es</sup> I am very much concern'd to find in the printed Journals of the House, First an Order appointing a Comm<sup>tee</sup> to draw up a Memorial upon or a Representation of my Speech made before the Dissolution of the Assembly in March last, & Afterwards the Memorial itself Sign'd by Mr Cook in the Name of the Comm<sup>tee</sup>. This Treatment is very surprising from a House of Represent<sup>es</sup> that profess so much Loyalty & Respect to his Majesties Govern<sup>t</sup>. It appears to me to be very irregular That the present House of Represent<sup>es</sup> whereof John Clark Esq<sup>r</sup> is Speaker & which consists of a Majority of new Members should take upon them to answer my Speech made to a former House of Represent<sup>es</sup> whereof Timothy Lindal Esq<sup>r</sup> was Speaker; These Proceedings are not only improper but without Precedent from any former Assembly; I must also observe to you that you have not shewn the Respect w<sup>ch</sup> is due to me as Govern<sup>r</sup> of this Province, by suffering this Order or Memorial to go into the Press before It was communicated to me; W<sup>ch</sup> If you had done I could have convinced you That it had been very much for the Service of your Countrey That neither the Order nor the Memorial had appeared in Print; It is my Opinion That you will quickly be convinced That you have been much wanting in your Duty & Interest, By Disowning the Authority of that Right Hon<sup>ble</sup> Board, w<sup>ch</sup> his Majesty has constituted to superintend the Affairs of this Province & all the other Plantations; For these Reasons I should have dissolved the General Court when the Memorial first appear'd, But I was in Hopes the House might have been brought to retract & expunge it; Instead of Making this Use of my Tenderness, you have gone on in the most undutiful Manner to withdraw from his Majesties and your Countreys Service By Adjourning yourselves for near a Week without my Knowledge or Consent, Contrary to the Royal Charter, W<sup>ch</sup> absolutely vests in the Govern<sup>rs</sup> of this Province the Power of Adjourning, Proroguing & Dissolving, And that at a Time when I thought it for the Service & Interest of the Countrey only to Adjourn you for two Days; Having an Affair of the greatest Consequence to Communicate to the House, W<sup>ch</sup> was to perswade you to take some effectual Measures to prevent the Plague coming amongst us, There being Nothing so likely to bring it in as the French Silks & Stuffs, W<sup>ch</sup> are constantly brought into this Province.

Gentlemen of the House of Represent<sup>es</sup> These your unwarrantable Proceedings oblige me \* Dissolve this Assembly.

His Excellency having ended his Speech, The Secretary by his Order, Declared this Great & General Court or Assembly to be Dissolved, And the Members thereof Dismiss'd from any further Attendance."—*Council Records, vol. XI., p. 207.*

*Chap. 1. "June 27. 1721. In the House of Represent<sup>es</sup> Whereas the Justices of the General Sessions of the Peace are required to take Bond with sufficient Security of the Commissioners of the Excise for the due Payment of all the Sums of Money by them Collected to the Treasurer of the Province, Yet many of the Bonds heretofore given have not been put into the Hands & Custody of the Treasurer, Which hath been a Loss to the Government;*

*Resolved that the several Clerks of the Courts of General Sessions of the Peace within this Province shall take effectual Care to transmit all such Bonds to the Treasurer of the Province within three Months at furthest from the Date of such Bonds on Penalty of Twenty Pounds to be paid by each Clerk failing of his Duty therein, To be recover'd by Bill, Plaint or Information in any of his Majesties Courts of Record, One Half of the Forfeiture to be to the Use of the Government, the other Half to the Informer; And that the Act for Granting to his Majesty an Excise upon Liquors &c. be Read at the opening of the several Courts of General Sessions of the Peace within this Province.*

*And further Resolved that Joseph Hammond Esq<sup>r</sup> the Clerk of the Court of General Sessions of the Peace for the County of York send down to Mr Secretary Willard & Acquaint him Whether Mr Joseph Curtiss late Commiss<sup>r</sup> of Excise for the County of York gave Bond, as the Law directs, And If Bond was given That he transmit the same to the Treasurer, And if no Bond was given To render a reason why it was Omitted; Further,*

*Resolved that the Form of the Bond to be given by the Commission<sup>r</sup> of each County be as follows:—*

*'Know all Men by these Presents That We, A. B. of . . . . . in the County of . . . . . & Commissioner of Excise for the said County as Principal & D. & E. F. of . . . . . as Sureties Acknowledge ourselves bound & obliged in the full & just sum of . . . . . to Jeremiah Allen Esq<sup>r</sup> Treasurer of this Province of the Massachusetts Bay & to his Successors in the said Office for the Time being, for & on behalf of the said Province W<sup>ch</sup> Payment well & truly to be made to the said Province Treasurer for the Time, We bind ourselves, our Heirs, Executors & Administr<sup>rs</sup> jointly & severally, each & every of them in the Whole or for the Whole firmly by these Presents;*  
*Sealed with our Seals, Dated this . . . . . 17 . . . . . and in the . . . . . Year of his Majesties Reign.*

\* Sic.



*The Condition of the above written Obligation is such That whereas the above named A. B. is appointed Commissioner of Excise for said County by the Law of this Province entitled An Act for Granting unto his Majesty an Excise upon all Wines, Liquors and other Strong Drink sold by Retail, made Anno 1721, Directed to Accompt with & pay into the Province all such Sums of Money received of the Inn-holders & Retailers of such strong Drink As per the Act doth fully appear, Now if the said A. B. shall & do well & truly in all Respects & Regards fulfill & perform his Duty as he is Required by said Act, Then the above written Obligation to be void & of none Effect, Else to Abide & Remain in full Force, Strength & Virtue.*

In Council: Read & Concur'd—  
—*Council Records, vol. XI., p. 185.*

Consented to, SAM<sup>LL</sup> SHUTE."

"July 4, 1721. In the House of Representatives Resolved that the Clerks of the General Sessions of the Peace in the several Counties of this Province during the Continuance of the Act for Granting to his Majesty an Excise upon Wines Liquors &c sold by Retail be hereby obliged yearly to deliver to the Commissioner of Excise in their respective Counties a true List of all the Innholders Taverners & Retailers that shall obtain Licence to sell or Retail strong Drink in the said County within fourteen Days after such Licence obtain'd.

In Council: Read & Concur'd:—  
—*Ibid., p. 191.*

Consented to, SAM<sup>LL</sup> SHUTE."

The following resolve, which does not appear in the Council Records, was printed with the acts of the second session:—

"Sept. 4th, 1721. Whereas by an Act of the Great and General Court or Assembly at a Session at Cambridge by Adjournment on Tuesday the Sixth of June last past, the Justices in the General Sessions of the Peace, are directed to take sufficient Recognizances of all Persons by them Licensed, after the granting of such Licences within the space of Ten Days, and all persons refusing to give Bond within that time, shall loose the benefit of such Licence; And whereas many Innholders and Retailers, not knowing that they were to pursue that Matter in such a space of time, neglected to Renew their Licence, and give Bond as by the Act is directed:

Resolved, That the Justices of the next General Sessions of the Peace in the several Counties may proceed to Renew and Grant such Licences as fell thro' the neglect aforesaid, notwithstanding the clause in the aforesaid Law; and that they Retail in the meantime paying the Duties by Law obliged."

Chap. 3. "Novem<sup>r</sup> 16. 1721. In Council; Whereas the Superiour Court of Judicature, Court of Assize & General Goal Delivery for the County of Suffolk by Reason of the Small Pox in Boston was Ordered by this Court to be holden & kept at Roxbury for the said County on the first Tuesday of November last, And by Reason of the Sitting of the General Court at the same Time, was by the Justices of the said Superiour Court Adjourned to the fifth of December next, But the Small Pox being & increasing in the said Town of Roxbury, So that several of the Justices of the said Court & others concern'd in Attendance may be in Danger of Taking the Infection;

Ordered that all Actions Suits & Processes, Appeals, Reviews, Recognizances, Tryals & other Matters & Things, that were to be heard & determined at & by the said Court, w<sup>ch</sup> was to have sat the first Tuesday of this Instant November, & Adjourned as aforesaid, Be further Continued to the Superiour Court of Judicature, Court of Assize & General Goal Delivery to be holden at Boston for the said County on the first Tuesday of May next, or otherwise to be Adjourned with Respect to Time & Place as the Govern<sup>r</sup> & Council in the Recess of the General Court shall see most safe:

And whereas the Superiour Court of Judicature Court of Assize & General Goal Delivery is appointed by Law to be holden and kept at Charlestown in the County of Middlesex on the last Tuesday in January, And the Town of Charlestown is much infected with y<sup>e</sup> Small Pox whereby some of the Justices of the s<sup>d</sup> Court & others concern'd in Attendance may be in Danger of Taking the Infection there also;

Ordered that all Actions, Suits, Processes, Appeals, Reviews & Recognizances, Tryals & other Matters & Things that by Law are to be heard & determined at & by the said Court be Continued to the Superiour Court of Judicature Court of Assize & General Goal Delivery to be holden at Cambridge the last Tuesday of July next for the said County of Middlesex, Or be otherwise adjourned in Respect of Time & Place, As the Govern<sup>r</sup> & Council in the Recess of the General Court shall see most safe & Convenient:—In the House of Representatives Read & Concur'd:—

Consented to, SAM<sup>LL</sup> SHUTE."

—*Council Records, vol. XI., p. 255.*

Chap. 4. "June 20. 1721. In the House of Representatives June 15. 1721. Resolved that the Sum of Six Thousand Pounds only shall be levied upon Polls & Estates this Year w<sup>ch</sup> with the Sum of Ten Thousand two Hundred and fifty Pounds by the Duties of Import & Tunnage of Shipping & Excise together with the Income of the Bills let out & the Light House will make the Sum of Sixteen Thousand two Hundred and fifty Pounds, Pursuant to the Funds & Grants made in the Years 1718 & 1719. In Council: Read & Concur'd:

Consented to, SAM<sup>LL</sup> SHUTE."

—*Ibid., p. 171.*

"June 27. 1721, In the House of Representatives June 23. 1721. Resolved that the Treasurer be & hereby is Directed to Issue forth & Emit the Sum of Five Thousand Pounds of the Bills of publick Credit that are or shall be Received into the Treasury for Payment of the publick Debts of this Province already contracted & for the Supplying the Charge of the Forts & Garrisons & Wages arising for the Service & for the Payment of Grants, Salaries & Allowances made or to be made by this Court & for no other End & Uses whatsoever; All which are for the Defence & Support of the Government & necessary Protection & Preservation of the Inhabitants of this Province According to such



Draughts as from Time to Time shall be made upon him by Warrant or Order of the Governour or Commander in Chief for the Time being by & with the Advice & Consent of the Council.

And the said Bills shall pass out of the Treasury at the Value therein express'd equivalent to Money & shall be so taken & Accepted in all Publick Payments; And that the Duties of Impost & Excise shall be a Fund & Security for the Repayment & Drawing in of the said Bills into the Treasury again.

And as a Fund & Security for the same,

It is further RESOLVED that there be & hereby is Granted unto his most Excellent Majesty to the Ends & Uses aforesaid a Tax of Five Thousand Pounds to be levied upon Polls & Estates both Real & Personal within this Province according to such Rules & in such Proportion upon the several Towns & Districts within the same as shall be Agreed on & Ordered by the Great & General Court or Assembly of this Province at their Session in May 1731 & Paid into the Treasury on or before the last Day of December next after; And

Whereas through the Scarcity of Bills of Credit It grows difficult for Persons to Convert the Produce of their Lands & other Estates into Bills & Pay their Rates in them It is further Ordered that the Inhabitants shall have Liberty (If they see fit) to pay the several Sums that shall be on them respectively Assess'd in the several Species hereafter mentioned at such Rates & Prices as the General Assembly shall set them; Viz., In good Barrel Pork or Beef, Wheat, Peas, Barley, Rye, Indian Corn, Oats, Flax, Hemp, Bees Wax, Butter in Firkins, Cheese, Hides, Tan'd Leather, Dried Fish, Mackeril in Barrels, Oyl, Whale Bone, Bay Berry Wax or Tallow; Which Species shall be received by the Treasurer of the several Constables or Collectors And by him disposed of to the best Advantage for the Calling in of the said Bills into the Treasury; And if any Loss by the Sale of the aforesaid Species or by any other unforeseen Accident should arise, Then such Deficiencies shall be made good by a Tax of the Year next following, so as fully and effectually to Call in the Whole of the said Sum of Five Thousand Pounds in Bills Emitt'd As aforesaid

In Council; Read & Concur'd with Amendments. In the House of Represent<sup>ves</sup> Read & Non-Concur'd."—*Council Records*, vol. XI., p. 184.

"June 27. 1721. In Council; Ordered that a Message be sent down to the House of Represent<sup>ves</sup> That the Board adhere to their Amendments on the Vote for Emitting Five Thousand Pounds for the following Reasons.

First, As to their Inserting those Words [For the Defence & Support of the Government & necessary Protection & Preservation of the Inhabitants of this Province] The Board propose the Amendm<sup>t</sup> as being Agreeable to the Royal Charter in that Case.—Secondly, For that upon Searching into Precedents, The Board find the Vote of the Hon<sup>ble</sup> House for Applying the Money granted to differ very much from, And the Amendm<sup>t</sup> proposed to be very agreeable to what the General Assembly have practiced in their Grants for Supply of the Treasury—Thirdly, That by this unusual Restraint or Limitation of the Uses of the Money granted, The Affairs of the Governm<sup>t</sup> may very much suffer & be discouraged If no Provision be made in the Grant for Defraying such Charges as are incident & unavoidable in the Defence & Support of the Government & the Protection & Preservation of the Inhabitants.

Secondly,\* As to the other Article, The Board are of Opinion It is both for the Interest & Honour of the Province by all Methods possible to Keep up the Value of the Bills of Credit, And therefore seeing the Produce of the Countrey is Order'd to be paid into the Treasury, Care should be taken That the Price of every Species should be set at a very moderate Value or Rate, So as that there may be no Deficiency.

In the House of Represent<sup>ves</sup> Read & Non-Concur'd & Resolved that the House do insist on their former Vote."—*Ibid.*, p. 186.

"June 29. 1721. In Council; Ordered that Samuel Sewall Benjamin Lynde and Paul Dudley Esq<sup>rs</sup> be a Committee to Confer with a Committee of the Hon<sup>ble</sup> House of Represent<sup>ves</sup> on the Subject Matter of the Resolve for Emitting Five Thousand Pounds, The said Conference to be forthwith Attended.

In the House of Represent<sup>ves</sup> Read & Non-Concur'd Unanimously."—*Ibid.*, p. 188.

"June 29. 1721. In Council; Ordered that a Message be sent down to the Hon<sup>ble</sup> House of Represent<sup>ves</sup> That seeing the House have rejected the Amendments made on the Resolve for Emitting the Sum of Five Thousand Pounds for Supply of the Treasury & the Message of the Board thereon, the Board are desirous to know What Method the House propose to defray such unforeseen & contingent Charges as may necessarily arise for Support of the Government during the Recess of the General Court."—*Ibid.*

"June 30. 1721. In the House of Represent<sup>ves</sup> June 29, 1721. Whereas in the Resolve of this House for Supply of the Treasury pass'd the 23<sup>d</sup> Instant, The several Uses As Paying Grants, Salaries, Allowances & Supporting Garrisons are enumerated And further Provided that no Part of the Money be drawn out of the Treasury for any other Ends or Uses whatsoever Notwithstanding which when any unforeseen & contingent Charges arise for Support of the Government during the Recess of the General Assembly, In all such Exigency the Charges shall either pass the whole Court for Approbation & Payment, Or be first examined & allow'd by a Committee of this House to be appointed for that Purpose before a Warrant be issued for Payment of such Charges.

In Council; Read & Unanimously Non-Concur'd.

In the House of Represent<sup>ves</sup> Ordered that a Message be sent up to the Hon<sup>ble</sup> Board in Answer to the Message of the 29<sup>th</sup> Instant respecting a Resolve for Supplying the Treasury, That the House are of Opinion Notwithstanding a Clause in the aforesaid Resolve That the unforeseen & contingent Charges that may necessarily arise for the Support of the Government during the Recess of the General Assembly may be defrayed with as much Honour & Justice to the Government & Satisfaction to the Persons employed by the Publick as

heretofore & the Affairs & Business of the Government no Ways retarded For that when such Accounts of Charges shall be laid before the Court for Allowance & Payment, They will have a just Consideration & ready Allowance, And It is observable in Perusing the Treasurers Accounts, that the several Sums therein charged that do not arise under the Ends & Uses enumerated in the Emission for Supply of the Treasury are few & small & paid to such Persons & for such Service That the Accounts may be as well examined by the General Court as by the Council only, and no Injury or Injustice done to any Person by being kept out of their Money, But if at any Time in the Recess of the Court any unforeseen Charges necessarily arise for the Defence & Support of the Government and the necessary Protection & Preservation of the Inhabitants of this Province that demand prompt Payment may be Order'd by Warrant on the Treasurer Though the Articles of Charge do not come under any of the Ends & Uses before enumerated; Provided any Draught or Draughts happen to be made on this Emission & do not come fully & plainly under some of the Heads above mention'd, they shall not be allowed in Passing the Treasurers Accounts being contrary to the Directions of the Royal Charter as well as the Intent & Meaning of this Court in the Grant for Supply of the Treasury; Sent up for Concurrence,

In Council; Read.

In Council; Whereas a Difficulty hath arisen at the Board as to the Meaning or Construction of the Message from the Hon<sup>ble</sup> House of Represent<sup>es</sup> upon the vote for Emitting Five Thousand Pounds for Supply of y<sup>e</sup> Treasury;

Ordered that Addington Davenport, Thomas Fitch & Samuel Thaxter Esq<sup>rs</sup> be a Committee to Confer with a Committee of the House in Order to their Coming to a full understanding of the true Import and Design of the said Message.

In the House of Represent<sup>es</sup>; Read & Non-Concurre'd."—*Ibid.*, p. 189.

"June 30. 1721. In Council, The above Vote of the Represent<sup>es</sup> relating to the Grant of £5000 was again Read & Unanimously Non-Concurre'd, And

A Message went down to the House of Representatives by Jonathan Dowse Esq<sup>r</sup> To Acquaint them therewith, And that if the House have Nothing to send up this Evening, His Excellency will adjourn the Board to Tuesday next.

A Message came up from the House of Representatives To desire That if His Excellency sees Cause to adjourn the Court, It may be for fourteen Days at the least, That so Mr Speaker may have Time to call in the absent Members of the House, And that his Excellency would please to give Orders That the Members of the Board may attend their Duty upon the Adjournment.

The Secretary went down to the Representatives on a Message That his Excellency had Ordered him to acquaint them, That he thinks it is not for his Majesties Service nor the Safety of the Government To make any long Adjournment of this Court until the necessary supply of the Treasury be Agreed on, and therefore shall adjourn no longer than till Tuesday next at Ten a Clock in the Morning."—*Ibid.*, p. 190.

"July 4. 1721. In Council; Ordered that a Message be sent down to the Hon<sup>ble</sup> House of Represent<sup>es</sup> That Considering the Misunderstanding that has arisen between the Board & the House upon their Resolve for £5000 for Supplying the Treasury & especially for that there is not (as the Board apprehend) a sufficient Provision for the Govern<sup>r</sup> & Council to draw upon the Treasury for such incident or unavoidable Charges or Expences, that shall be necessary for his Majesties Service in the Support of the Government the Protection & Defence of the Inhabitants of this Province, The Board desire that the House for the Facilitating & Dispatching the Affairs of the Court would come to a new Resolve for the said Sum, or so much as shall be thought necessary for Supply of the Treasury."—*Ibid.*, p. 191.

"July 5. 1721. In the House of Represent<sup>es</sup> Ordered that a Message be sent to the Hon<sup>ble</sup> Board in Reply to the Message sent down the fifth Instant;

That the Resolve for Five Thousand Pounds for Supply of the Treasury hath made as full & sufficient Provision for the Govern<sup>r</sup> & Council to draw upon the Treasury for incident & unavoidable Charges as is either reasonable or for the Safety of the Government & Comports with the Clause in the Royal Charter Impowering this Court to Impose & Levy proportional & reasonable Assessments, Rates & Taxes upon the Estates & Persons of all & every the Proprietors & Inhabitants of the said Province & Territory to be Issued & Disposed of by Warrant under the Hand of the Governour of the said Province for the Time being with the Advice & Consent of the Council for the Service & in the necessary Defence of the Government of the said Province or Territory & the Protection & Preservation of the Inhabitants thereof, According to such Acts as are or shall be in Force in the said Province, By which Clause it is most certain That what Money shall from Time to Time shall be levied as aforesaid may & ought to be Appropriated to such Ends and Purposes as the General Court may or shall Agree upon Provided they are for the necessary Support & Defence of the Government & Protection and Preservation of the Inhabitants, And those Words in the Charter [For our Service &c.] can not give the Governour & Council a Power to draw upon the Treasury for any Service, Unless such Service come under the Ends & Uses appropriated by the whole Court; But those words stand rather as a plain Declaration or Caution, That what Money shall be Levied upon the People must be for the Service of the Province."—*Ibid.*, p. 192.

(a.) "July 6. 1721. In the House of Represent<sup>es</sup> RESOLVED that the Treasurer be and hereby is Directed to issue forth & Emit the Sum of Five Thousand Pounds of the Bills of publick Credit that are or shall received into the Treasury for Payment of the publick Debts of the Province already contracted and for Payment of Grants, Salaries & Allowances made or to be made by this Court & for Payment of all unforeseen charges necessarily arising in the Recess of this Court for the Defence & Support of the Government & the Protection and Preservation of the Inhabitants of this Province, Whether occasion'd by

Pirates or any other Invasion by Sea or Land or by any other Way or Means that demand prompt Payment & for Payment of Expresses dispatched in the Service of this Government & for Supplying and Supporting the charge of the Castle, Ports & Garrisons & Wages arising for their Service (Provided the Muster Rolls or any Accompt of Charge or Expence on the Castle Ports or Garrisons shall not be paid until such Muster Roll or Accompt of Charge or Expence hath been examined & allowed of by this Court) & for no other Ends & Uses whatsoever, According to such Draughts as shall from Time\* be made upon him by Order of the Governour or Commander in Chief for the Time being by & with the Advice & Consent of the Council; And the said Bills shall pass out of the Treasury at the Value express'd in them equivalent to Money, And shall be so taken and Accepted in all Publick Payments.

And that the Dutys of Impost & Excise shall be a Fund & Security for the Repayment & Drawing in of the said Bills into the Treasury again so far as that will reach; And as a further Fund & Security for the same,

It is further Resolved that there be & hereby is Granted unto his most Excellent Majesty to the Ends & Uses as aforesaid a Tax of Five Thousand Pounds upon Polls & Estates both Real & Personal within this Province according to such Rules & in such Proportion upon the several Towns & Districts within the same as shall be Agreed on & Ordered by the Great & General Court or Assembly of this Province at their Session in May Anno 1731, and paid into the Treasury on or before the last day of December next after; And Whereas through the Scarcity of Bills of Credit It grows difficult for Persons to Convert the Produce of their Lands & other Effects into Bills & Pay there Rates in them,

It is further Ordered that the Inhabitants of this Province shall have Liberty (If they see fit) to pay the several Sums that shall be on them respectively assess'd in the several Species hereafter mention'd at such moderate Rates & Prices as the General Assembly shall set them; Viz., In good Barrel Beef or Pork, Wheat, Barley, Rye, Indian Corn, Oats, Flax, Hemp, Bees Wax, Butter in Firkins, Cheese, Hides, Tann'd Leather, Dry Fish, Mackeril in Barrels, Oyl, Whale-Bone, Bay berry Wax or Tallow; W<sup>ch</sup> Species shall be received by the Treasurer of the several Constables or Collectors, & be by him disposed of for the best Advantage in Calling in of the said Bills into the Treasury, And if any Loss by the Sale of the aforesaid Species, or any other unforeseen Accident should arise, the said Deficiencys shall be made good by a Tax of the Year next following, So as fully and effectually to call in the Whole of the said Sum of Five Thousand Pounds, Emittet as aforesaid.

In Council; Read & Concur'd—  
—*Ibid.*, p. 193.

Consented to, SAM<sup>L</sup> SHUTE."

The following extract from a letter by Lieutenant-Governor Dummer to the Lords of Trade shows that the adoption of a clause in the foregoing resolve established an important precedent:—

"Boston Octobr 7<sup>th</sup> 1729.

My Lords, \* \* \* \* \*  
I think it necessary to observe to your Lordships that ever since that clause appointing the Muster Rolls to be pass'd on by the whole Court, was brōt into the Resolve for the supply of the Treasury, which was first done in the year 1721, when Gov<sup>r</sup> Shute was in the Chair, there has always been some opposition made to it by the Council; but it has nevertheless had their concurrence and the consent of the Governor to this day. The Case, as it is stated by the late Governor, is in the Journals page 54 and the answer of the Representatives is in page 64. The necessity of a supply of the Treasury for the support of the Government has weighed with me in the passing of it, as it has bin done for eight years past, having no prospect of retrieving that article at present: But it seems to me, that the Clause in the Charter, upon which that matter depends, does require an explanation from the Crown, or it will be every year an occasion of fruitless contention in the Legislature to the prejudice of His Majesty's service and the public good. \* \* \* \* \* WM DUMMER.

Recd Nov<sup>r</sup> 21. 1729. Read June 9. 1731."

—"N. E., Board of Trade": *Pub. Rec. Office*, vol. 17, Z., 166.

\* *Sic.*

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ACTS,  
PASSED 1721-22.

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# ACTS

PASSED AT THE SESSION BEGUN AND HELD AT BOSTON,\*  
ON THE TWENTY-THIRD DAY OF AUGUST, A.D. 1721.

## CHAPTER 1.

AN ACT FOR THE MORE EASY LEVYING AND REGULATING SOULDIERIS.

*Be it enacted by His Excellency the Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

[SECT. 1.] That, when and so often as there shall be occasion for raising souldiers for the preservation and defence of his majesty's subjects and estates within this province, and the encountering, repelling or subduing any that shall attempt, in hostile manner, to enterprize the destruction, invasion, detriment or annoyance of this his majesty's province, or any of his subjects therein, so often as the chief officer of any regiment of militia within this province, shall receive orders from the captain-general or commander-in-chief, for the time being, of the said province, for the detaching and impressing, or causing to be detached and impressed, for his majesty's service, out of the regiment under his command, so many souldiers as in such orders shall be mentioned, such chief officer of the regiment shall forthwith, thereupon, issue forth his warrants to the captains or chief officers of the companies or troops within his regiment, or such of them as he shall think fit, requiring them, respectively, to detach and impress, out of the militia in the companies or troops under their command, so many able souldiers, furnished and provided as the law directs, as in the whole shall make up the number which, by the order of the captain-general or commander-in-chief, he shall be directed to detach and impress; on pain that every chief officer of a regiment that shall neglect or not do his utmost to send forth his said warrant seasonably (having orders for the same, as abovementioned), shall forfeit and pay a fine of twenty pounds.

[SECT. 2.] And every captain, or chief officer of any company or troop, who shall receive any warrant from the chief officer of the regiment whereto such company or troop belongs, for the impressing out of the same any souldier or souldiers for his majesty's service, shall thereupon use his utmost endeavour to detach or impress, or cause to be detached or impressed, so many souldiers as by such warrant he shall be required.

[SECT. 3.] And in case any person that is an able-bodied, effective man, to the acceptance of the chief officer of the company, shall enter himself a volunteer in the service, he shall receive the sum of forty shillings, out of the publick treasury, by way of bounty; no children under age or servants to enlist, without leave from their parents, guardians or masters; and whosoever shall enlist himself shall not be com-

Souldiers to be detached and impressed.  
See 1699-1700, chap. 19.

Penalty for the neglect of the chief officer of the regiment.

Encouragement for volunteers.

\* At the George Tavern, on Boston Neck, because of the small-pox in the town.

pelled to continue in the service more than two years, nor be put off from one company to another, without his free consent.

Penalty for the neglect of the chief officer of the companies and under-officers and soldiers.

[SECT. 4.] And every captain or chief officer, as aforesaid, shall have his men at the place of rendezvous in time, as therein shall be mentioned, and take a receipt for so many men as he shall deliver to the officers appointed to receive them, and lodge such receipt in the colonel- or chief officer's hands, to be by him returned into the treasurer's office; on pain that every captain or chief officer of any company or troop that shall neglect or not do his utmost to comply with and execute any warrant to be by him received, as aforesaid, from the chief officer of the regiment, shall, for such his neglect or default, pay a fine of ten pounds; and every officer or souldier that shall receive a warrant from his captain or chief officer of the company or troop in which he is enlisted, for the detaching or impressing of men, shall forthwith attend and execute the same, on pain of paying a fine of five pounds.

Persons required to assist in impressing.

Penalty for exaction and discharging from service.

[SECT. 5.] And all persons are required to be aiding and assisting to him in the execution of such warrant, on pain of forfeiting the sum of forty shillings. And if any person authorized, as aforesaid, to impress any souldier or souldiers for his majesty's service, shall exact or take any reward to discharge or spare any from said service, otherwise than as is allowed by this act, he shall forfeit ten times so much as he shall so exact or take; all which fines and penalties, aforesaid, shall be one moiety thereof unto his majesty, for and towards the support of the government of this province, and the other moiety to him or them that shall inform or sue for the same, by action, bill, plaint or information, in any court of record.

*And be it further enacted by the authority aforesaid,*

Penalty for not attending the service when impressed.

[SECT. 6.] That every person, lyable and fit for service, being orderly impressed, as aforesaid, for his majesty's service, by being commanded, in his majesty's name, to attend the said service, shall, by himself or other meet person in his room (to the acceptance of the captain or chief officer), attend the same at the time and place appointed; on pain of suffering six months' imprisonment, without bail or mainprize, to be committed by *mittimus* from any justice of the peace, or chief officer of the company or troop (where no justice is in the town), upon conviction of such neglect: *unless* such person, within the space of six hours next after his being impressed, shall pay to his captain or chief officer, by whose warrant he shall be impressed, the sum of ten pounds.

Proviso.

*And be it further enacted by the authority aforesaid,*

Distribution of the fines.

[SECT. 7.] That the fines arising by persons so refusing, shall be distributed, in equal proportion, to those that shall be impressed and detached at that time out of such military company or troop, and proceed in the said service: *provided*, the fines do not exceed ten pounds per man so detached; the remainder (if any such be) to be kept for the like use when there shall be occasion; the captain or chief officer of the companies to make a return to his colonel of every man he has impressed, and of the fines received; and such captain or chief officer shall, in such case, forthwith make out a new warrant for impressing another souldier instead of him that was before impressed, and shall renew his warrants as often as there shall be occasion, until the number sent for from him be compleated. And all persons paying the said sum of ten pounds, as before mentioned, shall be esteemed as persons that have served, and be no further or otherwise lyable to any after-impress than those that actually go forth in service at the same time.

New warrant to be made out upon fining.

Persons paying their fine to be esteemed as those that serve.

Persons impressed to be pursued.

[SECT. 8.] And all persons, lawfully impowred to impress, may pursue any person that hides from the press or makes his escape, and may, by himself or deputy, impress such person in any place within

the province; and if any person, impressed for his majesty's service, being so duely returned, shall remove or go out of the province, and not attend the service as required, such person, at his return, shall be apprehended, by warrant from any justice of the peace, and be by him committed to prison, unless such person give sufficient security to answer it at the next general sessions of the peace; and upon due conviction of the said offence, by the oath of him that impressed him, shall suffer three months' imprisonment, and before he be released shall also pay a fine of ten pounds, to the use of the company or troop whereto he belonged at the time of his impress. And if any person, directly or indirectly, by counsel or otherwise, shall prevent the impressing, conceal any person impressed, or knowingly further his escape, such person shall pay, as a fine, five pounds.

Such as go out of the province to be prosecuted at their return.

Penalty for assisting escapes, &c.

*And it is further enacted by the authority aforesaid,*

[SECT. 9.] That all souldiers and seamen that have been wounded in his majesty's service within this province, and are thereby maimed or otherwise disabled, and had yearly pensions heretofore allowed them, shall have the continuance of the same, during their abode in this province under such disability, to be paid them out of the publick treasury; and all such souldiers and seamen as at any time hereafter shall be maimed or otherwise disabled by any wound to be received in his majesty's service within this province, shall be relieved out of the publick treasury, as the great and general court or assembly shall order. And if any souldier shall lose his arms in his majesty's service within this province, not thro' his own neglect or default, such loss shall be born by the publick; and in case any souldier be furnished with arms for any expedition in said service, he shall allow, out of his wages, threepence per week for the same, and return such arms, or otherwise pay the value thereof.

Pensions to wounded souldiers and seamen continued.

Souldiers that shall hereafter be wounded to be relieved.

Arms.

*And be it further enacted by the authority aforesaid,*

[SECT. 10.] That all souldiers shall be in pay from the time of their being impressed or detached till they be orderly discharged, and have reasonable time allowed them to repair to their usual places of abode.

Time of being in pay.

*And be it further enacted by the authority aforesaid,*

[SECT. 11.] That every officer that shall make any false or untrue muster, or enter any person or persons on the muster-roll, on any pretence whatsoever, that shall not be at the place where the forces are ordered to do duty, or that shall knowingly muster any person by a wrong name, upon proof thereof, shall forfeit and pay for such offence one hundred pounds, and forthwith be cashier'd and displaced from such his office.

Penalty for false musters.

[SECT. 12.] The fines and forfeitures arising by this act, and not otherwise disposed of in this act, to be recovered by bill, plaint or information in any of his majesty's courts of record; the one half part thereof to be employed to and for the support of the government of this his majesty's province, the other half to such person that shall inform and sue for the same.

Disposal of the fines.

*And be it further enacted by the authority aforesaid,*

[SECT. 13.] That a captain's pay be seven pounds per month; a lieutenant's pay, four pounds; a sergeant's pay, two pounds thirteen shillings and fourpence; corporal's pay, forty-eight shillings per month; that a major's pay be ten pounds, a lieutenant-colonel's pay be twelve pounds, and a colonel's pay be fourteen pounds per month; and that a private centinal's pay be forty shillings per month.

Officers' and sentinels' pay.

[SECT. 14.] This act to continue and be in force for the space of three years next coming, and no longer; any law, usage or custom to the contrary notwithstanding. [Passed September 9.]

Continuance of this act.

## CHAPTER 2.

## AN ACT TO PROHIBIT TRADE AND COMMERCE WITH THE EASTERN INDIANS.

Preamble.

WHEREAS the Eastern Indians have for some time past committed several wrongs and injuries to his majesty's liege people inhabiting the county of York, and places adjacent, within this province, and have very lately, in a very insulting, hostile and rebellious manner, appeared on Arowsick Island, in arms, under French colours,—

*Be it therefore enacted by His Excellency the Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

Trade with Eastern Indians prohibited.

[SECT. 1.] That whoever shall, after the first day of October next, directly or indirectly, have any trade or commerce, by way of gift, barter or exchange, or any other way whatsoever, with any of the aforesaid Eastern Indians, or shall supply them with any provisions, cloathing, guns, powder, shot, bullets, or any other goods, wares or merchandize whatsoever, shall forfeit and pay the sum of five hundred pounds, and suffer twelve months' imprisonment, without bail or mainprize, upon the first conviction; the said forfeiture to be recovered by bill, plaint or information, in any of his majesty's courts of record: the one half of said forfeiture to be applyed to and for the use and support of this his majesty's government, the other half to him or them that shall inform and sue for the same.

Penalty for the first offence.

*Be it further enacted by the authority aforesaid,*

Second offence deemed felony.

[SECT. 2.] That if any person, convict of trading with any of the aforesaid Indians, shall be so hardy as to carry on any trade or commerce with those Indians, in manner as aforesaid, shall, upon the second conviction, be deemed a felon and suffer the pains of death. [*Passed September 9.*]

## CHAPTER 3.

## AN ACT TO OBLIGE ALL SHIPS AND OTHER VESSELS COMING FROM FRANCE, AND OTHER PARTS OF THE WORLD INFECTED WITH THE PLAGUE, TO PERFORM QUARENTINE.

Preamble.  
See 1717–18,  
chap. 14.

WHEREAS the plague and other pestilential and mortal distempers are oftentimes transported from one country to another, even over seas, in ships and goods, and the kingdom of France, and other parts of the Mediterranean, are at this day sorely visited with the plague, and from thence vessels frequently arrive in this province, especially during the summer season, which it is to be feared may bring the pestilence into this country unless great care be taken to prevent the same,—

*Be it enacted by His Excellency the Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

Vessels from France and other places infected with the plague to perform quarantine. The place to be assigned by the governor and council. Non-performance in the master, after notification, accounted felony.

[SECT. 1.] That every ship or vessel coming from any of the ports of France, or the Mediterranean, shall, before they unlade any goods or part of their cargo, be obliged to perform quarentine at least forty days immediately after their arrival, at such place as shall be assigned by the governour and council for that purpose; and every master or commander of such ship or vessel, being notified of this act by some justice of the peace or publick officer, that shall presume to unlade any part of his goods or cargo, before he have perform'd such quarentine, or refuse to perform quarentine at such place as he is ordered by the governour and council, shall be deemed a felon, and suffer the pains of death.



*And be it further enacted by the authority aforesaid,*

[SECT. 2.] That if any master, passenger, sailor or other person on board any such ship or vessel, shall presume to come on shore until the said ship or vessel have perform'd her quarantine, or without express licence obtain'd from the governour and council, he shall suffer three years' imprisonment without bail or mainprize

Penalty to the passengers and seamen, &c.

[SECT. 3.] And the master or keeper of the province light-house is hereby empower'd and commanded to notify the commanders or masters of all such ships or vessels arriving at or near Nantasket, that may be supposed to come from places infected with the plague, and give strict charge and notice of this act and the pains and penalties thereof.

Master of the light-house to notify masters of ships of this act.

*And be it further enacted,*

[SECT. 4.] That all ships or vessels arriving from Newfoundland, Cape Breton, Canso, or those parts that have been at any time within the space of six months next preceding, in any port of France, or other places infected with the plague, or that have, during their being at Newfoundland, Cape Breton or Canso, taken on board any goods or lading coming from France or other places infected with the plague, shall also be obliged to perform quarantine, as aforesaid, and the master or commander thereof\* under the same penalties, as aforesaid, as to unlading any part of their cargo, or refusing to perform quarantine, as aforesaid.

Vessels from other parts to perform quarantine on condition.

And, for the better preventing the unlading or delivery of any goods out of any ship or vessel coming from any of the places aforesaid, before the master of such ship or vessel can or may be notified of this act, as before directed,—

*Be it further enacted by the authority aforesaid,*

[SECT. 5.] That in case it appear by due course of law, that any goods, wares or merchandize whatever be unladed or delivered out of such ship or vessel before she have perform'd her quarantine, as aforesaid, the master or commander of such ship or vessel shall forfeit and pay the sum of five hundred pounds, the one half thereof to the use of him or them that shall inform and sue for the same, and the other half to be towards the support of his majesty's government of this province: and further suffer three years' imprisonment without bail or mainprize.

Penalty for unlading goods before notification.

*And be it further enacted by the authority aforesaid,*

[SECT. 6.] That any person or persons that shall any ways be aiding or assisting to unlade any goods or merchandize out of any ship or vessel coming from any of the aforesaid ports, or any other infected places, as aforesaid, shall pay a fine of one hundred pounds, one half to him or them that shall inform or sue for the same in any court of record, and the other half to be to and for the use and support of his majesty's government of this province; and shall further suffer twelve months' imprisonment without bail or mainprize; any law, usage or custom to the contrary in any wise notwithstanding.

Penalty to the assistants.

[SECT. 7.] This act to continue in force for the space of three years from the publication thereof, and no longer. [Passed September 2.

## CHAPTER 4.

### AN ACT TO RETRENCH THE EXTRAORDINARY EXPENCE AT FUNERALS.

WHEREAS the charge or expence of funerals of late years (when the circumstances of the province so loudly calls for all sorts of frugality)

Preamble.



is become very extravagant, especially in the giving of scarves, to the great detriment of the province, and the impoverishment of many families,—

*Be it enacted by His Excellency the Governour, Council, and Representatives in General Court assembled, and by the authority of the same,*

Giving scarfs at  
funerals pro-  
hibited.

Penalty.

[SECT. 1.] That from and after the publication of this act, no scarves whatsoever be allowed and given at any funeral, on pain and penalty of twenty pounds, to be forfeited by the executor or administrator to the will or estate of the person interred (to be paid by him out of his own estate), or other person that regulates and is at the expence of the funeral; to be recovered by bill, plaint or information; the one half to him or them that shall inform or sue for the same in any court of record, the other half to and for the use of the church or congregation where the person interred was a member or auditor.

[SECT. 2.] This act to continue in force for the term of three years, and no longer. [*Passed September 9.*]

## CHAPTER 5.

AN ACT FOR LAYING SUNDRY DUTIES ON SUCH GOODS AS SHALL BE IMPORTED INTO THIS PROVINCE FROM THE PROVINCE OF NEW HAMPSHIRE, AND ON SUCH AS SHALL BE EXPORTED FROM THIS PROVINCE THITHER.

Preamble.

WHEREAS the government of New Hampshire do exact and take two shillings a thousand for every thousand of boards brought down the river commonly called Piscataqua River, and transported into this province (though the trees out of which the boards are made, grow upon lands within this province, and are cut at mills in the county of York) altho' the inhabitants of this government have equal right with the inhabitants of the province of New Hampshire, to pass up and down the aforesaid river, by grant and purchase; which exaction therefore is altogether unjust and oppressive,—

*Be it therefore enacted by His Excellency the Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

Duties on goods  
imported.

[SECT. 1.] That from and after the twentieth day of October next, there shall be paid to the impost officer, for the use of this government, for every hogshead of rum that shall be imported from the province of New Hampshire into any parts of this government, the sum of five pounds, and so proportionably for greater and lesser quantities; for every pipe of wine, the sum of five pounds, and so in proportion for greater and lesser quantities; for all other sorts of goods, wares or merchandize whatsoever, ten per cent *ad valorem*.

Penalty on the  
master in case  
he unload with-  
out reporting.

[SECT. 2.] And if any master or commander of any ship or vessel shall unload any rum, liquors, goods, wares or merchandize whatsoever, imported from the province of New Hampshire into any ports or harbours within this province, before he hath made report to the impost officer of all such rum, wine, goods, wares or merchandize whatsoever, and the value thereof upon oath, and paid the duties by this act enjoined, he shall forfeit and pay the sum of one hundred pounds, to be recovered by bill, plaint or information, in any of his majesty's courts of record; the one half of the said forfeiture to be applied for and towards the support of this his majesty's government, the other half to be to and for the use of him or them that shall inform and sue for the same.

[SECT. 3.] And all such wines, liquors, goods, wares and merchandize as shall be landed before the duties paid, shall be liable to be seized and confiscated, upon proof made in any of his majesty's courts of record, to be disposed of as by this act is already provided.

Goods to be  
confiscated.

*Be it further enacted by the authority aforesaid,*

[SECT. 4.] That there shall be paid for every barrel of beef and pork that shall be exported from this province into the province of New Hampshire, the sum of ten shillings, and so in proportion for greater and lesser quantities; for every hundred weight of bread, the sum of five shillings; for every bushel of wheat one shilling; for every bushel of Indian corn or meal sixpence; and for all other sorts of goods, wares and merchandize, ten per cent *ad valorem*.

Duties on goods  
exported.

[SECT. 5.] And that any master of any ship or vessel that shall take on board any rum, liquor, or other goods, wares and merchandize, in order to be transported to the province of New Hampshire, before he hath reported to the impost officers the quantity and value of all such wines, liquors, goods, wares and merchandize, and paid the duties therefor, shall forfeit and pay the sum of one hundred pounds, to be recovered and disposed of as by this act is already provided.

Penalty on the  
master of ship,  
goods on board  
before report is  
made.

[SECT. 6.] And all such rum, liquors, goods, wares and merchandize, that shall be put on board any ship or vessel, in order to be transported into the province of New Hampshire, that have not paid the aforesaid duties, shall be forfeited and disposed as aforesaid, upon proof made in any of his majesty's courts of record.

Goods to be for-  
feited.

*Be it further enacted,*

[SECT. 7.] That the oath to be given by the importer or owner of all rum, liquors, goods wares or merchandize as is herein made mention of, shall be in the words following:—

Oath to be given  
by the importer  
or owner.

You, A. B., do swear that the entry of the goods and merchandize by you made, contains the true value, and agreeable to the invoice herewith exhibited, and that, according to your best skill and judgment, is not less than the real cost thereof. So help you God.

Oath.

—any law, usage or custom to the contrary notwithstanding. [*Passed September 8.*]

# ACT

PASSED AT THE SESSION BEGUN AND HELD AT CAMBRIDGE,\* ON THE THIRD DAY OF NOVEMBER,  
A.D. 1721.

## CHAPTER 6.

AN ACT IN ADDITION TO AN ACT ENTITULED "AN ACT AGAINST HAWKERS, PEDLARS AND PETTY CHAPMEN," MADE AND PASSED IN THE TWELFTH YEAR OF THE REIGN OF HER LATE MAJESTY QUEEN ANNE, WHICH ACT BEING TEMPORARY, WAS FARTHER CONTINUED BY AN ACT MADE IN THE SECOND YEAR OF THE REIGN OF HIS PRESENT MAJESTY KING GEORGE, TILL THE THIRTIETH DAY OF JUNE, ANNO DOMINI 1726.

Preamble,  
1713-14, chap. 7.

1716-17, chap.  
10.

WHEREAS, besides the many inconveniencies enumerated in the act intituled "An Act against hawkers, pedlars and petty chapmen," made and passed in the twelfth year of the reign of her late majesty Queen Anne, and farther continued till the thirtieth day or June, *anno Domini* 1726, the practice in the said act prohibited hath at this time (as is supposed) proved of fatal consequence by spreading the small-pox into several towns already, and if not timely prevented, may spread that infectious distemper throughout the whole province, to the hazard of the lives of the inhabitants thereof; and whereas the penalty laid in the said act for suppressing such evil practices hath hitherto proved ineffectual; for preventing and remedying the mischiefs therein express'd,—

No hawker,  
pedler or petty  
chapman to be  
allowed.

Goods to be  
forfeited.

Justice of the  
peace to sum-  
mon hawkers,

*Be it enacted by His Excellency the Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

[SECT. 1.] That from and after the publication of this act, no hawker, pedlar or petty chapman, or other trading person or persons going from town to town, or other men's houses, and travelling either on foot or with horse, horses or otherwise, carrying to sell or exposing to sale, either in any market or in any house in any town or village whereof such person or persons is not an inhabitant, any wares, goods or merchandize shall be permitted or suffered within this province, on pain of forfeiting all such goods, wares or merchandize by him or them exposed to sale, or so conveyed or transported, as aforesaid; one-third thereof to his majesty to and for the use and support of the government of this his majesty's province, one-third thereof for the use of the poor of such town where the offence is committed, the other third to him or them that shall inform against and prosecute such offender or offenders for the same; to be recovered by bill, plaint or information in any of his majesty's courts of record within this province; and this to be besides the penalty of twenty pounds laid in the aforesaid act.

*And be it further enacted by the authority aforesaid,*

[SECT. 2.] That it shall be in the power of any of his majesty's justices of the peace, upon view, complaint or information to him made,

\* At Harvard College, because of the small-pox in Boston; and the same day prorogued to the seventh day of November.

of any such breach or offence, to summons before him and bind over such offender or offenders to the next court of general sessions of the peace, in the county where such offence shall be committed; and for want of sufficient security, to commit such offender or offenders to the common goal of such county, to answer to the complaint that shall then and there be exhibited against him or them, and also to secure all such goods, wares and merchandize until the tryal.

[SECT. 3.] And all taverners, alehouse keepers, common victuallers and retailers are hereby strictly forbidden to receive or give any entertainment to any hawker, pedlar or petty chapman, or other trading person, as aforesaid, on the penalty of twenty shillings for each offence, to be disposed of in manner as aforesaid.

[SECT. 4.] And all justices, sheriffs, undersheriffs, grand jurors, constables, tythingmen and all other officers, are hereby strictly enjoined and required to exert their utmost vigour and power, to see that this law be duly put in execution.

*Provided,*

[SECT. 5.] That this act shall continue and be in force till the thirtieth day of June, *anno Domini* one thousand seven hundred and twenty-six, and no longer; any law, usage or custom to the contrary notwithstanding. [Passed November 17.]

## ACT

PASSED AT THE SESSION BEGUN AND HELD AT CAM-  
BRIDGE,\* ON THE SECOND DAY OF MARCH,  
A.D. 1721-22.

## CHAPTER 7.

AN ACT TO ENABLE THE TOWN OF OXFORD TO LAY A TAX ON THE  
RESIDENT AND NON-RESIDENT PROPRIETORS TOWARDS BUILDING  
THEIR MEETING-HOUSE. [*Passed March 22, 1721-22.*]

NOTE.—The above title is all that has been found of this act either  
in the Secretary's office or in the Public Record Office.

NOTES.—A new General Court having assembled August 23, at the George Tavern on Boston Neck, to avoid the small-pox, which prevailed in the town, the Representatives resolved that, as the place was "not accomodable," the General Court "be removed to Cambridge to such time as his Excellency thinks fit." This resolve was concurred in by the Council but not consented to by the Governor, who deemed it an infringement of the Royal prerogative as fixed by the charter. A controversy was thus opened between the Governor and the Representatives, which was still unsettled when the Court was prorogued, on the ninth of September, to the first of November following. October 31, the Court was prorogued by proclamation to November 3, at Harvard College, in Cambridge, where it sat one day, and was again prorogued to the seventh of the same month. This second session continued until November 17. After several prorogations the Court began its third session upon the second day of March, 1721-22, when the Governor desired the House to proceed to business in the afternoon, if they were "of opinion that the Court might sit in this town with safety." The House, in answer to this message, having voted that it was more safe and expedient to remove the Court "to Mr. Thompson's tavern at the upper end of Cambridge," the Council, accordingly, by direction of the Governor, adjourned the Court "to meet at the Swan Tavern" on the Tuesday following;—March 6, 1721-22.

Acts were passed at each of these sessions; but the engrossments of the acts passed at the first session only, are preserved. Chapter 7 does not appear to have been printed, and neither the engrossment nor the original bill has yet been discovered, nor has a copy been found in the British Archives. All the other public acts were printed.

The following titles of private Acts passed at the third session were taken from the Council Records:—

"An Act to enable Daniel Oliver & William Welsted Esq<sup>rs</sup> Executors of the last Will & Testament of Grove Hirst late of Boston Esq<sup>r</sup> Dec<sup>d</sup> & Guardian to his Children, to sell some Part of the said Deceaseds Estate."—[*Passed March 22, 1721-2.*]

"An Act to Enable Margaret Wrightington of Newport on Rhoad Island Widow to alienate several Lots of Land in the Township of Little Compton in the County of Bristol."—[*Passed March 24, 1721-2.*]

"An Act to Enable Hugh Hall jun<sup>r</sup> to Redeem the Estate of his late Grand father Benjamin Gibbs Dec<sup>d</sup> in Boston scituate in Hanover street."—[*Passed March 24, 1721-2.*]

Chapters 2, 3, 5 and 6 were included in the list of Acts sent by the Lords of Trade to Mr. West, October 15, 1724, and chapters 2, 3 and 6 were returned by him without objection. His comments upon chapter 5, however, which are given in the note to that chapter *post*, are curious as being the first instance in which the exercise of sovereignty by this province in its intercolonial relations, arrested the attention of the Board of Trade, and was called in question by them. These acts were again called up in 1735 as not having been laid before the Crown for confirmation.

Chap. 1, §1. "Aug. 14, 1722. In the House of Represent<sup>ves</sup> Whereas oft Times when the Captain Generals Orders for the Detaching of Men in the Countreys Service reach the Collonels or Chief Officers of the Regiments, Several of the Captains & other Officers to whom the several Collonels are obliged to send Warrants to impress the Quota of Men living at so great a Distance from the Collonels that the Orders cannot be seasonably Dispatch'd without great Charge to the Province, And in as much as the Troopers of the several Regi-

\* At Harvard College, and the same day adjourned to March 6, at the Swan Tavern, Cambridge, because of the small-pox, near the College.



ments are freed from Impresses & other Military Dutys that the Foot Companys are obliged to;—Wherefore **RESOLVED** that when the Captain General or Commander in Chief his Orders come to the Colonells or Chief Officers of the several Regiments within this Province; such Colonells &c shall have Power to Order and Dispatch his Warrants to his several Officers by one or more of the Troopers in his Regiment; And if any Trooper shall neglect & refuse such service when Commanded, He shall forfeit & pay the Sum of Twenty Shillings for every such Neglect, & be reduced to the Foot Service; Such Penalty to be recovered by Complaint or Information of the Clerk of such Colonel or Chief Officer before any of his Majesties Justices of the Peace in the County where such Neglect is, The one Half to the Informer, The other Half to the Use of the Company to be employed in Paying Dispatches in the afore said Service.

In Council; Read & Concur'd: Consented to,  
—*Council Records, vol. XII., pp. 369, 370.*

SAMLL SHUTE,"

Chap. 3. See the conclusion of Governor Shute's speech dissolving the last Assembly, in *NOTES* to 1721, *ante*.

Chap. 5. "To the Right Honorable the Lords Commrs of Trade and Plantations  
My Lords, In obedience to your Lordships commands I have perused and consider'd an Act pass'd in the Province of the Massachusetts Bay in New England in 1721 Entitled, *An Act for laying sundry duties on such goods as shall be imported into this Province from the Province of New Hampshire and on such as shall be exported from this Province thither*  
The reason given for this Act is that the Province of New Hampshire exacts a duty of two shillings per thousand on boards cutt in New England and brought down the Piscataqua river. To remedy which a duty is now laid on New Hampshire Commodities This method of proceeding looks as if each Province in America consider'd itself as alien to each other and wou'd therefore act as Independant Kingdoms in point of trade. I apprehend this not to be a proper remedy for any complaint they may have against New Hampshire. And if any Province injures another by an undue tax on their trade the remedy I think ought to be by application to the Crown to prevent any such Acts being pass'd into Law, and not by way of Reprisals enacted among themselves.

Which I submit to your Lordships consideration.

All of which is humbly submitted to Your Lordships by, My Lords, Your Lordships most obedient & most humble Servant  
15<sup>th</sup> May 1725."

RICH. WEST.

"N. E., Board of Trade"; in *Pub. Rec. Office, vol. 23, B. b, 133.*

The resolve, at the second session, for the supply of the treasury, having come up from the Representatives with a clause inserted limiting the appropriation to specific purposes, "and for no other ends and uses whatsoever," the Council refused to concur unless these last words were first stricken out; but the House, by a large majority, refused to amend, alleging, in their answer to the message of the Council, that, if they did so, "our principals that sent us here would tell us that though the sessions came to a speedy conclusion yet not to a happy and safe one," whereupon the Council rejoined that they supposed the Representatives had "no instructions from their respective towns referring to this matter," and that it seemed "strange to insinuate their opinion before it be known;" adding that "the Board may as well think that the freeholders of the province are of the opinion that the members of his Majesty's Council may very well and safely be trusted with giving their advice and consent to the governor, for drawing money out of the treasury for the public service, in the same manner as has been practised for so many years together; and the rather because the Council are chosen, annually, by the General Court or Assembly of the province;" and concluding that, if any ill consequence should ensue by reason of the action of the House, "the Council must and do clear themselves of the blame of it."

At the third session the following resolves were passed:—

"March 7. 1721. In the House of Representatives Resolved that the Treasurer be & hereby is Directed to Issue forth the Sum of Twelve Thousand Pounds in Bills of Publick Credit (Eight Thousand Pounds whereof was deliver'd to him by the Committee that made the said Bills Pursuant to a Resolve of the General Court at their Session in August last, Together with Four Thousand Pounds the Resolve thereof, which is & will come into his Hands by Taxes, the Duties of Impost, Excise & Interest of the Loan Money) For Payment of the Publick Debts of this Province already contracted, & for Payment of Grants, Salaries & Allowances made & to be made by this Court, & for Payment of all unforeseen Charges necessarily arising in the Recess of this Court for Defence & Support of this Government & Protection & Preservation of the Inhabitants of this Province Whether occasion'd by Pirates or any other Invasion by Sea or Land, Or by any other Ways or Means that demand prompt Payment, & for Payment of Expresses dispatched in the Service of this Government, And for Supplying & Supporting the Charge of the Castle, Forts and Garrisons & Wages arising for their Service (Provided the Muster Rolls or any Accompts of Charge or Expence on the Castle Forts & Garrisons shall not be paid until such Muster Roll or Account of Charge or Expence hath bin first Examined & Allowed of by this Court) And for no other Ends & Uses whatsoever, According to such Draughts as from Time to Time shall be made upon him by the Governour or Commander in Chief for the Time being, by & with the Advice & Consent of his Majesties Council, And the said Bills shall pass out of the Treasury at the Value therein express'd Equivalent to Money, and shall be so taken and Accepted in all publick Payments:

And that the Dutys of Impost & Excise shall be a Fund & Security for the Repayment & Drawing in of the said Bills into the Treasury again so far as that will reach:—And as a further Fund & Security for the same, It is further Resolved that there be & hereby is Granted unto his Most Excellent Majesty for the Ends & Uses aforesaid & no other Ends & Uses whatsoever a Tax of Six Thousand Pounds to be levied upon Polls and Estates both Real and Personal within this Province according to such Rules & in such Proportion

upon the several Towns & Districts within y<sup>e</sup> same as shall be Agreed on & Ordered by the Great & General Court or Assembly of this Province at their Session in May 1732, And paid into the Treasury on or before the last Day of December next after:—And that the further Sum of Six Thousand Pounds be levied upon Polls & Estates both Real & Personal within this Province according to such Rules & in such Proportion upon the several Towns & Districts within the same as shall be Agreed on & Ordered by the Great & General Court or Assembly of this Province at their Session in May 1733 & paid into the Treasury on or before the last Day of December next after;—And whereas through the Scarcity of Bills of Credit it grows difficult for Persons to convert the Produce of their Lands &c. into Bills & pay their Rates in them;

It is further Ordered that the Inhabitants of this Province shall have Liberty (If they see Cause) to pay the several Sums on them respectively assess'd in the Species hereafter mention'd at such moderate Rates and Prices as the Great & General Court or Assembly shall sett them; Viz., In good Barrel Beef & Pork, Wheat, Barley, Rye, Indian Corn, Oats, Pease, Flax, Hemp, Bees Wax, Butter in Firkins, Cheese, Hides, Tan'd Leather, Oyl, Dry Fish, Mackeril in Barrels, Whale Bone, Bay berry Wax, Tallow, Pitch Tar & Turpentine, With several Species shall be received by the Treasurer of the several Constables & Collectors & by him disposed of to the best Advantage for y<sup>e</sup> calling in of the said Bills into the Treasury And if any Loss by the Sale of the aforesaid Species or any other unforeseen Accident shall arise Such Deficiency shall be made good by a Tax of the year next following, So as fully & effectually to call in the whole Sum of Bills emitted as aforesaid.

In Council; Read & Concur'd with the following Amendm<sup>t</sup>. Viz., That the Words (and for no other Ends & Uses whatsoever) first inserted in y<sup>e</sup> Vote, be left out."—*Council Records, vol. XL, p. 264.*

"March 8. 1721. The Amendments made by the Board on the Resolve for the Supply of the Treasury, As Enter'd Yesterday was Read in the House of Representatives & Non Concur'd, And the House insisted on their Vote."—*Ibid., p. 266.*

"March 9. 1721. The Resolve for Supply of the Treasury came up from the Representatives with their Non-Concurrence to the Amendment Voted at the Board. In Council; Read & Voted unanimously That this Board do adhere to their Amendm<sup>t</sup>—*Ibid., p. 269.*

(a.) "March 22. 1721. In the House of Representatives RESOLVED that the Treasurer be and hereby is Directed to Issue forth & Emit the Sum of Twelve Thousand Pounds in Bills of Credit on this Province, Eight Thousand Pounds Part thereof was deliver'd to him by the Committee that made the said Bills Pursuant to a Resolve of the General Court at their Session in August last past, Together with Four Thousand Pounds Residue thereof Which is or will be brought into the Treasury by Taxes, Duties of Impost, Excise, & the Interest of the Loans For the necessary Defence & Support of the Government, & for the Protection & Preservation of the Inhabitants thereof, To be Used & Disposed of as is hereby directed in Manner following, Viz.,

That the Sum of Eight Thousand Pounds Part of the afores<sup>d</sup> Twelve Thousand Pounds be & hereby is Appropriated to & for the Supplying, Supporting & Paying the Charge of Castle William & the other Forts & Garrisons within this Province, As also the Soldiers with the Officers Wages arising for their Service (Provided the Muster Rolls or any Account of Charge or Expence on the Castle Forts or Garrisons shall not be paid, Until such Muster Roll or Account of Charge or Expence hath been first examined & allowed of by this Court) According to such Draughts as shall from Time be made upon him by Warrant under the Hand of the Govern<sup>r</sup> with the Advice & Consent of the Council, And that the aforesaid Eight Thousand Pounds be drawn out of the Treasury for the Ends & Uses above appropriated only.

That the Sum of Three Thousand & seven Hundred Pounds Part of the afore said Twelve Thousand Pounds be & hereby is appropriated to & for the Payment of the publick Debts of the Province already contracted, & for Payment of all Grants, Salaries, Stipends, Allowances, Bounties & Premiums made & to be made by this Court (Several of the aforesaid Grants, Stipends, Salaries & Allowances being already paid out of the Grant of Five Thousand Pounds the last May Session) The Draughts to be made upon the Treasurer for any Part of the aforesaid Sum of Three Thousand & seven Hundred Pounds to be by Warr<sup>t</sup> as above mentioned, And that the aforesaid sum of Three Thousand & seven Hundred Pounds be drawn out of the Treasury for y<sup>e</sup> Ends & Uses above appropriated only.

And that the Sum of Three Hundred Pounds being the Residue & Remaining Part of the said Sum of Twelve Thousand Pounds be & hereby is appropriated for the Payment of Expresses Dispatch'd in the Service of this Government, together with all other unforeseen necessary Charges Whether by Invasion or otherwise arising in the Recess of this Court that demands prompt Payment.

Provided alwaies that the several Draughts made upon the Treasurer as aforesaid do express & declare out of which appropriated Sum the Money is to be paid; And the said Bills shall pass out of the Treasury at the Value therein express'd Equivalent to Money & shall be so taken & Accepted in all publick Payments:

And that the Duties of Impost & Excise shall be a Fund & Security for y<sup>e</sup> Repayment & Drawing in the said Bills into y<sup>e</sup> Treasury again so far as that will reach And as a further Fund & Security for the same,

It is further resolved that there be & hereby is Granted unto his most Excellent Majesty for the Ends & Uses aforesaid & for no other Ends & Uses whatsoever, a Tax of Six Thousand Pounds, to be levied upon Polls & Estates both Real & Personal within this Province, According to such Rules & in such Proportion upon the several Towns & Districts within the same as shall be Agreed on & Ordered by the Great & General Assembly of this Province at their Session in May One Thousand seven Hundred and thirty two, & paid into the Treasury on or before the last Day of December next after, And that the further Sum of Six Thousand Pounds being the Remainder of the aforesaid Twelve Thousand Pounds be levied upon Polls & Estates both Real & Personal within this Province

According to such Rules & in such Proportion upon the several Towns & Districts within the same As shall be Agreed & Order'd by the Great & General Assembly of this Province at their Session in May One Thousand seven Hundred & thirty three, & paid into the Treasury on or before the last Day of December next after.

And whereas through the Scarcity of Bills, It grows difficult for Persons to convert the Produce of their Lands into Bills & pay their Rates in them;

It is further ORDERED that the Inhabitants of this Province shall have Liberty (If they see fit) to pay the several Sums that shall on them respectively Assess'd in the several Species hereafter mentioned at such moderate Rates & Prices as the Great & General Assembly shall sett them; Viz., In good Barrel Beef & Pork, Wheat, Barley, Rye, Indian Corn, Pease, Oats, Flax, Hemp, Bees Wax, Butter in Firkins, Cheese, Hides, Tan'd Leather, Dry Fish, Mackeril in Barrels, Oyl, Whale Bone, Bay berry Wax, Tallow, Pitch Tar & Turpentine; W<sup>ch</sup> Species shall be received by the Treasurer of the several Constables or Collectors And by him Disposed of to the best Advantage for the Calling in of the said Bills into the Treasury again And if any Loss shall happen by the Sale of the afores<sup>d</sup> Species, or by any other unforeseen Accident shall arise Then such Deficiency shall be made good by a Tax of the year next following so as fully & effectually to call in the whole Sum of Bills emitted.

In Council; Read & Concur'd—  
—*Ibid.*, p. 276.

Consented to,     SAM<sup>L</sup> SHUTE."



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ACTS,  
PASSED 1722-23.

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# ACTS

PASSED AT THE SESSION BEGUN AND HELD AT BOSTON  
ON THE THIRTIETH DAY OF MAY, A.D. 1722.

## CHAPTER 1.

AN ACT FOR ENCOURAGING THE LINNEN MANUFACTURE, AND THE  
MAKING OF CANVAS OR DUCK PROPER FOR SHIPS' SAILS, &c.

WHEREAS the raising of flax and hemp for the making of linnen cloth and canvas for ships' sails, &c., would be of great service to the trade and business of this province by land and sea,—

*Be it enacted by his Excellency the Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

[SECT. 1.] That his majest[*y*][*ie*]'s justices of the peace at their respective general sessions in the several counties within this province, be and hereby are empowered, by themselves or such others as they shall appoint, once every year, at such time and place as shall be by them assigned for that purpose, to view and examine all such pieces of linnen cloth, made of flax of the growth and manufacture of this province, as shall be twenty yards in length, and one yard in wedth, that shall be brought before them, and chuse out of the same three of the finest and best wrought pieces of linnen as aforesaid, and cause the same to be valued by a just and equal apprizement, and forthwith to pay double the value of the said pieces of linnen to the owners thereof: *provided* such owner or owners first make oath that the flax grew, and the linnen was manufactured, within this province. And in case the owner or owners chuse to have their linnen back again, the s[*ai*]d justices are authorized and directed to restore and deliver the same accordingly, the owner or owners repaying to the said justices the single value of the said linnen: *provided* the said pieces of linnen so restored be first cutt into two pieces, and in the middle. And in case the owner or owners decline to take their piece or pieces of linnen again, the said justices, or the treasurer of the county, are empowered to dispose and make sale of the same, cutt as aforesaid.

Preamble.

Premium for  
linen cloth  
made in the  
province, &c.

*And be it further enacted,*

[SECT. 2.] That the treasurer of the province, upon a proper certificate for that purpose, signed by order of the justices or the treasurer of the respective counties, pay out of the publick treasury the premium or single value of all such pieces of linnen as shall be so chosen and taken as aforesaid, to the justices or the treasurer of the respective counties or their order, as aforesaid.

*And be it further enacted,*

[SECT. 3.] That the treasurer of the province be and hereby is empowered to view and examine all such pieces or bo[*u*]lts of canvas or duck, proper for ships' sails, being thirty inches wide and thirty-six yards long, of an even thread [and] well drove, and weighing not less than forty-three pounds per piece or bo[*u*]lt, as shall be brought before him, once every year, and at such time and place as he shall assign, and

Premium for  
canvas or duck  
made in the  
province.

out of the same chuse the three best pieces or bo[u]lts of canvas; and to pay to the owner or owners thereof forty shillings in bills of credit on this province: *provided* such owner or owners make oath that the hemp was of the growth of, and the [said] duck manufactured within, this province. And the said treasurer is also impowered and directed to cut each of the said three pieces of duck so chosen by him into two pieces in the middle, and then deliver them to the [respective] [sev<sup>l</sup>] owners thereof.

*Provided,*

Limitation.

[SECT. 4.] This act continue and be in force for the space of five years from the publication thereof, and no longer. [*Passed June 27; published June 28.*]

## CHAPTER 2.

AN ACT TO ENABLE THE OVERSEERS OF THE POOR AND SELECTMEN TO TAKE CARE OF IDLE AND DISORDERLY PERSONS.

Preamble.  
1692-3, chap. 28,  
§ 7.  
1699-1700, chap.  
8.

WHEREAS some idle, dissolute, and vagrant persons, having some estate, and accordingly rateable, take no care of their families, nor improve their estates to the best advantage, which persons are not under the care or inspection of the overseers of the poor or selectmen of the towns where such idle persons dwell,—

*Be it therefore enacted by His Excellency the Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

Idle persons  
having an es-  
tate, to be under  
the same regu-  
lation with the  
poor.

[SECT. 1.] That where any idle, dissolute [*or*] [*and*] vagrant persons, having a rateable estate, [*that*] do neglect the [*due*] improvement or due care of themselves, their families or estates, that in all such cases the overseers of the poor, or the selectmen of the town, shall be, and are hereby impowered to take the like care and inspection of such person or persons that neglect the due care and improvement of their estate, and that mispend their time and money, and [*that*] live idle, vagrant and dissolute lives, as if they were poor indigent and impotent persons, and accordingly put out into orderly families their children, if any they have, and improve their estates to the best advantage, and apply the produce and income thereof towards the support of them and their families; any law, usage or custom to the contrary notwithstanding: *provided*, that any of the said idle persons thinking themselves aggrieved, may make their application to and have remedy from the justices in general sessions of the peace in the same county, if they see cause, who are hereby impowered to relieve such aggrieved persons from the determination of the selectmen.

Persons ag-  
grieved may  
appeal.

[SECT. 2.] This act to continue and be in force for the term of five years from the publication thereof, and no longer. [*Passed July 3; published July 9.*]

## CHAPTER 3.

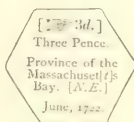
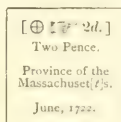
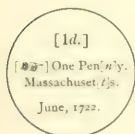
AN ACT FOR EMITTING FIVE HUNDRED POUNDS IN SMALL BILLS OF SEVERAL DENOMINATIONS, TO BE EXCHANGED FOR LARGER BILLS BY THE PROVINCE TREASURER.

WHEREAS great inconveniences and difficulties have arisen to the affairs and trade of this province, for want of small money for change; for remedy whereof,—

*Be it enacted by His Excellency the Governour, Council and Representatives in Gen[era]l Court assembled, and by the authority of the same,*

[SECT. 1.] That there be forthwith imprinted on parchment the sum of five hundred pounds in penn[ie][y]s, twopences and threepences of the following figures and inscriptions; viz., forty thousand and one pennies, to be round; twenty thous[an]d twopences, four-square; thirteen thous[an]d three hundred thirty-three threepences, sexangular.

Small bills of credit to be made and exchanged at the treasury.



[SECT. 2.] And that the committee already appointed by this court for that purpose, are hereby directed and empowered to take effectual care for the making and imprinting the said bills; and that the said bills be delivered to the treasurer of the province, by him to be exchanged for other bills of this province, to such persons as come for the same, but not less than twenty shillings at any one time; and that the said bills be accepted by the treasurer, and receivers subordinate to him, in all publick payments, as other the bills of this province are, and that five hundred pounds in bills exchanged by the treasurer for these bills, shall be burnt to ashes, by a committee to be appointed for that purpose.

Not less than twenty shillings to be exchanged.

See 1720-21, chap. 14.

*And be it further enacted by the authority aforesaid,*

[SECT. 3.] That whosoever shall presume to forge, counterfeit or utter any bill or bills (knowing the same to be false and counterfeit) of the figures or inscriptions of those mentioned in this act, or any ways in imitation thereof, or that shall counsel, advise, procure, or any ways assist in forging, counterfeiting, imprinting or stamping of any such false bills, every person and persons so offending, being thereof convict[ed], shall be punished for the first offence as in case of forgery, and for the second offence as those that counterfeit the other bills of this province. [Passed July 5; published July 9.]

Penalty for counterfeiting.

## CHAPTER 4.

### AN ACT FOR REVIVING AND FURTHER CONTINUING SEVERAL ACTS THAT ARE EXPIRED OR NEAR EXPIRING.

WHEREAS, at a session of the great and general court or assembly begun and held at Boston, the thirty-first day of May, in the twelfth year of the reign of King William the Third, an act was made and pass[ed], entitled "An Act directing how rates and taxes, to be granted by the general assembly, shall be assessed and collected"; which act being temporary, was by several acts revived and continued to the thirtieth day of June [1722] [one thousand seven hundred and twenty-two]; and whereas, at a session begun and held at Boston, the thirty-first day of May, in the ninth year of the reign of her late majesty Queen Ann[e], an act was made and pass'd, entitled "An

1699-1700, chap. 26.  
1703-4, chap. 3, § 7.  
1706-7, chap. 3.  
1709-10, chap. 1.  
1716-17, chap. 4.  
1717-18, chap. 5.

1710-11, chap. 6.

- 1717-18, chap. 2. Act for explanation of and supplement to the act referring to the poor"; which act, being likewise temporary, was revived and further continued to the thirtieth of June, [1720] [one thousand seven hundred and twenty]; and *whereas*, at the session held at Boston, the twenty-third day of November, in the second year of his present majest[y][ie]'s reign, an act was made and passed, entituled "An Act for maintaining and propagating religion"; which was limited to the term of seven years; and at the session held at Boston, the twenty-third day of October, in the fourth year of his present majest[y][ie]'s reign, an act was made and pass'd, entituled, "An Act for regulating the soldiers in his majest[y][ie]'s service at Castle William"; and one other act entituled "An Act in further addition to the act for encouraging the killing of wolves"; both which were to continue and be in force to the end of this present session, and no longer; and at the session held at Boston, the twenty-ninth day of October, in the fifth year of his present majest[y][ie]'s reign, an act was made and pass[e]d, entituled "An Act for the ease of prisoners for debt," which was limited to the term of three years; and one other act, entituled "An Act [for] [to] prevent[ing] deceit in the gage of cask," which was to continue and be in force to the end of this present session, and no longer; which several acts having been found beneficial to this government,—
- 1715-16, chap. 17.
- 1717-18, chap. 9.
- 1717-18, chap. 11.
- 1718-19, chap. 15.
- 1718-19, chap. 16.

*Be it therefore enacted by His Excellency the Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

These several acts to remain in force to the end of the general court in May, 1730.

That all and singular the aforscited acts, and all and singular the paragraphs, clauses, articles, directions and powers in each and every of them contained, be, and hereby are, revived, re-enacted and directed to abide and remain in full force, and accordingly to be exercised, practiced and put in execution, until the end of the session of the general court in May, one thousand seven hundred and thirty, and no longer; any law, usage or custom to the contrary notwithstanding. [*Passed July 5; published July 9.*]

## CHAPTER 5.

AN ACT IN ADDITION TO THE ACT DIRECTING THE ADMISSION OF TOWN INHABITANTS, MADE AND PASS[E]D IN THE THIRTEENTH YEAR OF THE REIGN OF KING WILLIAM THE THIRD.

Preamble.

1700-1, chap. 23, § 1.

WHEREAS, in and by the said act it is provided "that every master of a ship or other vessel arriving in any port within this province from any other countr[e]y, land, island, colony or plantation, at the time of entering his ship or vessel with the receiver of [the] impost for the time being, shall deliver to such receiver a perfect list or certificate, under his hand, of the Christian and surnames of all passengers, as well servants as others, and their circumstances, so far as he knows; on pain of forfeiting" as in the said act is set forth; but it so happening often that ships and vessels arrive from for[r]eign parts into such places, towns and harbours where no impost officer or deputy receiver dwells, and the master of such ships or vessels suffer to go on shoar, or cause to be landed, their passengers, servants and others, without giving a list or certificate as aforesaid; nor are they under any forfeiture or penalty for neglect thereof, or under any obligation to return such persons, passengers or others, if impotent, lame or unable to support and help themselves, whereby great damage has been and is like



to accrue to the province in general and to many towns in particular; for remedy and prevention thereof, for the future,—

*Be it enacted by His Excellency the Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

[SECT. 1.] That upon the arrival of any ship or vessel in any port or harbour within this province, transporting any passengers, servants or others whatsoever, and before bulk be broken, or such passengers, servants or others be suffered to land or come on shoar, the master of such ship or vessel shall repair to the selectmen or treasurer of such town, where no receiver of impost dwells, and give in a list or certificate of all the passengers, serv[an]ts and others he has brought in his ship or vessel from beyond sea, with their circumstances, and merchandise they bring with them, as near as can be; and the master of such ship or vessel shall enter in sufficient bonds, to the satisfaction of the said selectmen or treasurer of the town where the ship or vessel arrives, to save such town harmless from all manner of charge arising, or that may arise, to the same town, by reason of such passengers, strangers, serv[an]ts or others arriving amongst them.

Masters of ships to give a list of passengers, servants, &c., to the selectmen or treasurer of the town where they arrive.

To give bonds for passengers.

*And be it further enacted by the authority aforesaid,*

[SECT. 2.] That the master of every coasting vessel, wood-sloop, fishing vessel, or others coming from any p[or]t of this government, or any of the neighbouring government[s], into Boston, or any other port or harbour within this province, shall, within twenty-four hours after his arrival, deliver to the receiver of impost, where such officers are, and, where none are, to the selectmen or treas[ure]r of the town, a perfect list or certificate of the Christian and surnames of all passengers brought in such vessel (w[hi]ch are not settled inhabitants of this province), and their circumstances, so far as he knows; on pain of forfeiting the sum of one hundred pounds, for the use of the poor of the town or place where such passengers shall be landed or sent on shoar.

Masters of coasting vessels, &c., to give a list of passengers, in case.

Penalty.

*And be it further enacted by the authority aforesaid,*

[SECT. 3.] That in case any such passengers, strangers, servants or others shall, after their arrival, travel or go into other towns or places within this province, and shall be warned out and sent by authority from place to place, until they come to the place of their last abode, as the law in such case provides, it shall and may be lawful for all such strangers, serv[an]ts and others to be carried to the town where they first arrived, and where the selectmen or town treas[ure]r have taken bond as aforesaid, where they shall be accounted inhabitants; unless they have resided [for] [by] the space of twelve months in any other place or town, and not regularly [or] [and] legally warned out, as the law provides.

Strangers that travel from town to town to be sent to the place where they first arrived.

[SECT. 4.] And in case any master of any ship or vessel, bringing into this province passengers, servants [or] [and] others, shall neglect or refuse to give bond, as aforesaid, within five days after his arrival, every such master of a ship or vessel shall forfeit and pay the sum of two hundred pounds; and the forfeitures herein mentioned to be to the use and benefit of such town or place he arrives at; to be recovered by bill, plaint or information, by the selectmen, or the major part of them, or the town treas[ure]r of such town where the ship or vessel arrives, in any of his maj[esty's] courts of record within this province; any law, usage or custom to the contrary notwithstanding. [Passed June 29; published July 9.]

Penalty for master's neglect to give bond.

## CHAPTER 6.

AN ACT FOR THE FURTHER ESTABLISHING THE TOWN OF RUTLAND, AND IMPOWERING THEM TO CHUSE ALL PROPER OFFICERS, AND FOR IMPOWERING THEM TO RAISE AND COLLECT MONEYS FOR THE DEFRAYING THE NECESSARY CHARGES OF THE SAID TOWN.

FORASMUCH as it appears that the proprietors of the township of Rutland have performed the conditions of the grant made thereof by the great and general assembly of this province, 1713,—

*Be it therefore enacted by His Excellency the Govern<sup>r</sup>, Council and Represent<sup>ves</sup> in Gen<sup>l</sup> Court assembled, and by the authority of the same,*

That the inhabitants and freeholders of the s'd town of Rutland be invested with and forever hereafter enjoy all the powers, privileges and immunities that other towns within this province by law have and usually enjoy ; and that they be and hereby are enabled to levy, assess and collect threepence per acre *per annum*, for the space of two years and an half from the first day of July last past (the time that the minister began to officiate as a minister there), on all the lands, both improved and unimproved, whether divided or undivided, contained within the lines of the contents of six miles square, as is already laid out, and within which the present inhabitants are settled ; and that the said land be subjected and made liable to the payment of the same, to defray the charge of building the meeting-house and paying the minister's settle<sup>mt</sup> and salary : *except* only the present minister's lott and ministry lott, with their divisions, also the school lott, and also one thous<sup>d</sup> acres of land appertaining to Samuel Sewall, Esq<sup>r</sup>. (the comm<sup>tee</sup> of Rutland having agreed, for a certain consideration, with the said Sam<sup>l</sup> Sewall, Esq<sup>r</sup>.), and five hundred acres of land appertaining to the artillery company of this province, and eighty acres of land on and near Buck Brook, and one hundred and forty acres of land about Mill Brook (being part of Benj<sup>a</sup> Willard's nine hundred acres laid out there to promote a mill), w<sup>ch</sup> said land shall be freed from the said tax or assessm<sup>t</sup> ; any law, usage or custom to the contrary notwithstanding. [*Passed June 18.*]

## CHAPTER 7.

AN ACT FOR GRANTING UNTO HIS MAJESTY SEVERAL RATES AND DUTYS OF IMPOST AND TUNNAGE OF SHIPPING.

WE, his maj<sup>ty</sup>s most loyal and dutiful subjects, the representatives of his maj<sup>ty</sup>s province of the Massachusetts Bay in New England, considering the necessity of calling in the sum of sixteen thousand pounds, granted to his present majesty, by bills emitted at the several sessions, annis 1715, 1717 and 1718, to be levied and collected in this present year, have cheerfully and unanimously given and granted, and do hereby give and grant unto his most excellent majesty, to the ends, use and intent afores<sup>d</sup>, and for no other use, the several dutys of impost upon wines, liquors, goods, wares and merchandise that shall be imported into this province, and tunnage of shipping hereafter mentioned and expressed, for calling in the sum of twenty-five hundred pounds, part of the said sum of sixteen thousand pounds abovementioned ; and pray that it may be enacted,—

*And be it accordingly enacted by His Excellency the Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

[SECT. 1.] That after the publication of this act there shall be paid by the importer of all wines, liquors, goods, wares and merchandizes that shall be imported into this province from the place of their growth (salt, cotton-wool, provision and every other thing of the growth and produce of New England excepted), the several rates and duties of impost following; vizt.,—

For every pipe of coïmon wine of the Western Island, twenty shillings.

For every pipe of Canary, twenty-five shillings.

For every pipe of Madera or Passada, twenty shillings.

For every pipe of other sorts not mentioned, twenty shillings.

For every hogshead of rum containing one hundred gallons, twenty shillings.

For every hogshead of sugar, two shillings.

For every hogshead of molasses, one shilling.

For every hogshead of tobacco, twenty shillings.

For every tun of logwood, three shillings.

And so proportionab[ly\*] for greater or lesser quantities.

And for all other comoditys, goods or merchandize not mentioned or excepted, one penny for every twenty shillings' value, all goods imported from Great Britain excepted.

[SECT. 2.] And for any of the above wines, liquo[rs,\*] goods, wares, merchandize, &c., that shall be imported into this province from any other ports than the places of their growth and produce, there shall be paid by the importer double the value of impost appointed by this act, to be received for every species abovementioned, unless they do *bona fide* belong to the inhabitants of this province, and come upon their residue from the port of their growth.

*And be it further enacted by the authority aforesd,*

[SECT. 3.] That all the aforesaid imposts, rates and duties shall be paid in current money or in bills of credit of this province, by the importer of any wines, liquors, goods or merchandize, unto the coïmissioner and receiver to be appointed, as is hereinafter directed, for entring and receiving of the same, at or before the landing of any wines, liquors, goods or merchandize; only the coïmissioner or receiver is hereby allowed to give credit to such person or persons, where his or their duty of impos[t\*] in one ship or vessell doth exceed the sum of ten pounds. And in case where the coïmissioner or receiver shall give credit, he shall settle and ballance his accompts with every person, so that the same accompts may be ready to present to this court in May next. And all entrys where the impost or duty to be paid doth not exceed four shillings, shall be made without charge to the importer, and not more than sixpence to be paid for any other single entry to what value soe[ver.\*]

*And be it further enacted by the authority aforesaid,*

[SECT. 4.] That all masters of ships or other vessells coming into any harbour or port within this province, from beyond sea or from any other province or colony, before bulk be broken and within twenty-four hours after his arrival in such harbour or port, shall make a report to the coïmissioner or receiver of the impost, to be appointed as is hereafter mentioned, of the contents of the lading of such ship or vessell, without an[y\*] charge or fee to be demanded or paid for the same; which report such master shall give in to the said coïmissioner or receiver, under his hand, and shall therein set down and express the quantities

and species of the wines, liquors, goods and merchandizes laden on such ship or vessell, with the marks and numbers thereof, and to whom the same is consigned; and also make oath that the s<sup>d</sup> report or manifest of the contents of his lading, so to be by him given in und[er\*] his hand as afores<sup>d</sup>, contains a just and true accompt, to the best of his knowledge, of the whole lading taken on board and imported in the said vessell from the port or ports such vessell came from, and that he hath not broken bulk nor delivered any of the wines, rum or other distilled liquors or merchandizes laden on said ship or vessell, directly or indirectly, and that if he shall know of any more wines, liquors, goods or merchandize to be imported therein before t[he\*] landing thereof, he will cause it to be added to his manifest; which manifest shall be agreeable to a printed form made for that purpose, which is to be filled up by the s<sup>d</sup> commissioner or receiver, according to each particular person's entry; whic[h\*] oath the commissioner or receiver is hereby impowred to administer: after which such master may unload, and not before, on pain of one hundred pounds, to be forfeited and paid by each master that shall neglect his duty on this behalf.

*And be it further enacted by the authority aforesaid,*

[SECT. 5.] That all merchants, factors and other persons, importers, being owners of or having any of the wines, liquors, goods or merchandizes consigned to them, that by this act are lyable to pay impost or duty, shall, by themselves or order, make entry thereof in writing, under their hands, with the s<sup>d</sup> commissioner or receiver, and produce unto him the original invoice of all such goods as pay *ad valorem*, and make oath thereto in manner following:—

You, A. B., do swear that the entry of the goods and merchandizes by you now made, contains the true value agreeable to the original invoice herewith exhibited, and that, according to your best skill and judgment is not less than the real cost thereof. So help you God.

—and pay the duty and impost by this act required, before such wines, liquors, goods, wares or merchandizes be landed or taken out of the vessell in which the same shall be imported, on pain of forfeiting all such wines, liquors, goods, wares or merchandize so landed or taken out of the vessell in which the same shall be imported.

[SECT. 6.] And no wines, liquors, goods, wares or merchandize, that by this act are lyable to pay impost or duty, shall be landed on any wharffe or into any warehouse or other place, but in the day-time only, and that after sunrise and before sunset, unless in the presence of, and with the consent of, the commissioner or receiver, on pain of forfeiting all such wines, liquors, goods, wares and merchandizes, and the lighter, boat or vessell out of which the same shall be landed or put into any warehouse or other place; which aboves<sup>d</sup> oath the commissioner or receiver is hereby impowred to administer.

[SECT. 7.] And if any person or persons shall not have and produce an invoice of the quantitys of rum or liquors to him or them consigned, then the cask, wherein the same is, shall be gaged at the charge of the importer, that the quantity thereof may be known.

*And it is further enacted by the authority aforesaid,*

[SECT. 8.] That every merchant or other person, importing any wines into this province, shall be allowed twelve per cent for leakage, provided such wines have not been filled up on board, and that every hogshead, butt or pipe of wine that hath two third parts thereof leaked out, shall be accounted for outs, and the merchant or importer to pay no duty or impost for the same; and no master of any ship or

vessell shall suffer any wines to be filled up on board, without giving a certificate of the quantity so filled, under his hand, before the landing thereof, to the commissioner or receiver of the impost in such port, on pain of forfeiting the sum of fifty pounds.

[SECT. 9.] And if it be made appear that any wines imported in any ship or vessell, be decayed at the time of unlading thereof, or in twenty days afterwards, oath being made before the commissioner or receiver that the same hath not been landed above that time, the duties and impost paid for such wines shall be repaid unto the importer thereof.

*And be it further enacted by the authority aforesaid,*

[SECT. 10.] That the master of any ship or vessell importing any wines, liquors, goods, wares or merchandize shall be lyable to and shall pay the impost for such and so much thereof contained in his manifest as shall not be duly entred, nor the duty paid for the same, by the person or persons to whom such wines, liquors, goods, wares or merchandize are or shall be consigned. And it shall and may be lawful to and for the master of every ship or other vessell to secure and detain in his hands, at the owner's risque, all such wines, liquors, goods, wares or merchandize imported in such ship or vessell, until he shall receive a certificate from the commissioner or receiver of the impost that the duty for the same is paid, and until he be repaid his necessary charges in securing the same; or such master may deliver such wines, liquors, goods, wares or merchandize as are not entred unto the commissioner or receiver of the impost in such port or his order, who is hereby impowred and directed to receive and keep the same at the owner's risque until the impost thereof, with charges, be paid; and then to deliver such wines, liquors, goods, wares or merchandize as such masters shall direct.

*And be it further enacted by the authority aforesaid,*

[SECT. 11.] That the commissioner or receiver of the impost in each port shall be and hereby is impowred to sue the master of any ship or vessell, for the impost or duty for so much of the lading of any wines, liquors, goods, wares and merchandizes imported therein, according to the manifest by him to be given upon oath as aforesaid[d\*], as shall remain not entred and the duty or impost thereof not paid; and where the goods, wares or merchandizes are such as that the value thereof is not known, whereby the impost to be recovered of the master for the sa[me\*] cannot be ascertained, the owner or person to whom such goods, wares or merchandizes are or shall be consigned, shall be summoned to appear as an evidence at the court where suit for the impost and duty thereof shall be brought, and be there required to make oath to the value of such goods, wares or merchandizes.

*And be it further enacted by the authority aforesaid,*

[SECT. 12.] That the ship or vessell, with her tackle, apparel and furniture, the master of which shall make default in anything by this act required to be performed by him, shall be liable to answer and make good the sum or sums forfeited by such master, according to this act, for any such default, as also to make good the impost or duty for any wines, liquors, goods, wares or merchandizes not entred as aforesaid, and upon judgment recovered against such master, the said ship or vessell, or so much of the tackle or appur<sup>ces</sup> thereof as shall be sufficient to satisfy said judgment, may be taken in execution for the same; and the commissioner or receiver of the impost is hereby impowred to make seizure of such ship or vessell, and detain the same under seizure, until judgment be given in any suit to be commenced and prosecuted for any of the said forfeitures or impost, to the intent that if judgment be rendered for the prosecutor or informer, such ship or vessell and appur<sup>ces</sup>

\* Parchment destroyed.



may be exposed for satisfaction thereof as is before provided, unless the owners, or some on their behalf, for the releasing of such ship or vessell from under seizure or restraint, shall give sufficient security to the commissioner or receiver of the impost that seized the same, to respond and satisfy the sum or value of the forfeiture and dutys, with charges, that shall be recovered against the master thereof upon suit to be brought for the same as aforesaid; and the master occasioning such loss and damage unto his owners thro' his default or neglect shall be liable unto their action for the same.

*And be it further enacted,*

[SECT. 13.] That the naval officer within any of the ports of this province shall not clear or give passes to any master of any ship or other vessell outward bound, until he shall be certified by the commissioner or receiver of the impost that the dutys and impost for the goods last imported in such ship or vessell are paid, or secured to be paid; and the commissioner or receiver of the impost is hereby impowred to allow bills of store to the master of any ship or vessell, importing any wines or liquors, for such private adventures as shall belong to the master or seamen of such ship or other vessell, at the discretion of the commissioner or receiver, not exceeding three per cent of the lading; and the dutys payable by this act for such wines or liquors in such bills of store mentioned and expressed, shall be abated.

*And be it further enacted by the authority afores<sup>d</sup>,*

[SECT. 14.] That all penaltys and forfeitures accruing or arising by virtue of this act, shall be one half to his majesty for the uses and intents for which the aforementioned dutys of impost are granted, and the other half to him or them that shall seize, inform and sue for the same by action, bill, plaint or information in any of his maj<sup>ty</sup>s courts of record, wherein no essoign, protection or wager of law shall be allowed; the whole charge of prosecution to be taken out of the half belonging to the informer.

*And be it further enacted by the authority aforesaid,*

[SECT. 15.] That there shall be paid by the master of every ship or other vessell coming into any port or ports in this province to trade or traffick, whereof all the owners are not belonging to this province, except such vessells as belong to Great Britain, the provinces or colonys of Pensilvania, West and East Jersey, New York, Coanecticut or Rhode Island, every voyage such ship or vessell do's make, the sum of eighteen pence per tun, or one pound of good new gunpowder for every tun such ship or vessell is in burthen (*saving* for that part which is owned in Great Britain, this province or any of the afores<sup>d</sup> governments, which is hereby exempted), to be paid unto the commissioner or receiver of the dutys of impost, and to be employed for the ends and uses aforesaid.

[SECT. 16.] And the s<sup>d</sup> commissioner is hereby impowred to appoint a meet and suitable person to repair unto and on board any ship or vessell, to take the exact measure and tunnage thereof, in case he shall suspect that the register of such ship or vessell doth not express and set forth the full burthen of the same; the charge thereof to be paid by the master or owner of such ship or vessell before she be cleared, in case she appear to be of greater burthen; otherwise to be paid by the commissioner out of the moneys received by him for impost, and shall be allowed him accordingly by the treasurer in his accompts. And the naval officer shall not clear any vessell until he be also certified by the said commissioner that the duty of tunnage for the same is paid, or that it is such a vessell for which none is payable according to this act.

*And be it further enacted by the authority aforesaid,*

[SECT. 17.] That there be one fit person, and no more, nominated and appointed by this court, as a commissioner and receiver of the aforesaid duties of impost and tunnage of shipping, and for the inspection, care and management of the said office, and whatsoever relates thereunto, to receive commission for the same from the governour or commander-in-chiefe for the time being, with authority to substitute and appoint a deputy receiver in each port besides that wherein he resides, and to grant warrants to such deputy receivers for their said place, and to collect and receive the impost and tunnage of shipping aforesaid that shall become due within such port, and to render the accompts thereof and pay in the same to the s<sup>d</sup> commissioner and receiver; which said commissioner and receiver shall keep fair books of all entrys and duties arising by virtue of this act, also a particular accompt of every vessell, so that the duties of impost and tunnage arising on the said vessell may appear; and the same to lye open at all seasonable times to the view and perusal of the treasurer and receiver-general of this province (or any other person or persons whom this court shall appoint), with whom he shall accompt for all collections and payments, and pay in all such moneys as shall be in his hands, as the treasurer or receiver-general shall demand it. And the s<sup>d</sup> commiss<sup>r</sup> and receiver and his deputy and deputies, before their entring upon the execution of the s<sup>d</sup> office, shall be sworn to deal truly and faithfully therein, and shall attend in the office from nine to twelve of the clock in the forenoon, and from two to five of the clock in the afternoon.

[SECT. 18.] And the said commissioner and receiver, for his labour, care and expences in the s<sup>d</sup> office, shall have and receive out of the province treasury the sum of seventy pounds per annum, and his deputy or deputies to be paid for their service such sum and sums as the said commissioner and receiver, with the treasurer, shall agree, upon reasonable terms, not exceeding thirty pounds each; and the treasurer is hereby ordered, in passing and receiving the said commissioner's accompts, accordingly to allow the payment of such salary or salaries, as aforesaid, to himself and his deputy or deputies.

*Provided,*

[SECT. 19.] That this act shall continue in force from the publication thereof, until the twenty-ninth day of June, which will be in the year of our Lord one thousand seven hundred twenty-three, and no longer. [*Passed June 23; published June 28.*]

## CHAPTER 8.

AN ACT FOR APPORTIONING AND ASSESSING A TAX OF SIX THOUSAND TWO HUNDRED THIRTY-TWO POUNDS THIRTEEN SHILLINGS AND ELEVENPENCE.

WHEREAS the great and general court or assembly of the province of the Massachusetts Bay in New England, at their sessions in the years 1715, 1717 and 1718, did pass three several grants of taxes, on polls and estates, as funds and security for the payment and drawing in several sums in the bills of credit on this province ordered to be imprinted, repeated and issued out of the publick treasury for the service of the government; that is to say, at their sessions held in August, 1715,\* the sum of four thousand pounds; at their sessions held in October, 1717,†

One hundred pounds, part of the Dartmouth tax, and seventy-two pounds and eleven shillings, part of the Tiverton tax, remitted and disallowed by the privy council, June 2, 1724.

\* NOTES to 1715-16, resolve (a).

† NOTES to 1717-18, resolve (b).

the sum of six thousand pounds; and at their session held in May, 1718,\* the sum of six thousand pounds, applied to the ends and uses in the said grants particularly enumerated and expressed; and, by the resolves of the court† that made the aforesaid grants, it was then ordered, that the said sum† of sixteen thousand pounds shall be apportioned, assessed and levied on polls, and estates both real and personal, within this province, according to such rules and in such proportion, upon the severall towns and districts within the same, as shall be agreed on and ordered by this court in their present sessions; wherefore, for the ordering, directing and perfecting the said sum of six thousand pounds, and for making further provision for any deficiency that may arise or accrue by any unforeseen accident in the funds and grants aforesaid, which with the sum of ten thousand pounds by the duties of impost and tunnage of shipping and excise, together with the income of the bills lett out and the light-house will make the sum of sixteen thousand pounds, pursuant to the funds and grants aforesaid, which is unanimously approved, ratified and confirmed; we, his majesty's most loyall and dutiful subjects, the representatives in general court assembled, pray that it may be enacted,—

*And be it accordingly enacted by His Excellency the Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

[SECT. 1.] That each town or district within this province be assessed and pay as such town's and district's proportion of the aforesaid sum of six thousand two hundred thirty-two pounds thirteen shillings and elevenpence, the sums following; that is to say,—

IN THE COUNTY OF SUFFOLK.

Boston, one thousand and eighty pounds, . . .	£1,080	0s.	0d.
Roxbury, sixty-two pounds seventeen shillings and sixpence, . . .	62	17	6
Dorchester, eighty-three pounds fourteen shillings and threepence, . . .	83	14	3
Hingham, sixty-three pounds sixteen shillings and sixpence, . . .	63	16	6
Brantree, sixty-five pounds seventeen shillings and threepence, . . .	65	17	3
Dedham, fifty pounds eighteen shillings and threepence, . . .	50	18	3
Medfield, thirty pounds and eighteen shillings, . . .	30	18	0
Medway, fourteen pounds eighteen shillings and ninepence, . . .	14	18	9
Weymouth, fourty-four pounds four shillings and sixpence, . . .	44	4	6
Milton, thirty-two pounds five shillings and threepence, . . .	32	5	3
Hull, fourteen pounds eighteen and ninepence, . . .	14	18	9
Wrentham, forty-seven pounds fifteen shillings and threepence, . . .	47	15	3
Mendon, thirty-seven pounds thirteen shillings and ninepence, . . .	37	13	9
Woodstock, thirty-one pounds twelve shillings and threepence, . . .	31	12	3
Brookline, twenty-five pounds eighteen shillings and threepence, . . .	25	18	3
Sutton, six pounds, . . .	6	0	0
Needham, thirty pounds, . . .	30	0	0
Bellingham, six pounds, . . .	6	0	0
Oxford seven pounds fourteen shillings and sixpence, . . .	7	14	6

\* NOTES to 1718-19, resolve (a).

† Sic.

## IN THE COUNTY OF ESSEX.

Salem, one hundred fifty-nine pounds and twelve shillings, . . . . .	£159	12s.	0d.
Ipswich, one hundred seventy-one pounds eleven shillings threepence, . . . . .	171	11	3
Newbury, one hundred forty-three pounds seven shillings and sixpence, . . . . .	143	7	6
Marblehead, one hundred and thirty-five pounds eighteen shillings, . . . . .	135	18	0
Lyn, seventy-four pounds thirteen shillings and ninepence, . . . . .	74	13	9
Andover, seventy pounds and twelve shillings, . . . . .	70	12	0
Beverly, sixty pounds eighteen shillings and ninepence, . . . . .	60	18	9
Rowley, fifty-six pounds ten shillings and sixpence, . . . . .	56	10	6
Salisbury, forty-nine pounds six shillings and sixpence, . . . . .	49	6	6
Haverhill, sixty-four pounds sixteen shillings and threepence, . . . . .	64	16	3
Glocester, seventy-two pounds four shillings and ninepence, . . . . .	72	4	9
Topstfield, thirty pounds twelve shillings and ninepence, . . . . .	30	12	9
Boxford, twenty-seven pounds eight shillings and sixpence, . . . . .	27	8	6
Amsbury, forty-four pounds fifteen shillings and ninepence, . . . . .	44	15	9
Bradford, thirty pounds three shillings and threepence, . . . . .	30	3	3
Wenham, twenty-seven pounds eighteen shillings and sixpence, . . . . .	27	18	6
Manchester, thirteen pounds and threepence, . . . . .	13	0	3

## IN THE COUNTY OF MIDDLESEX.

Cambridge, fifty pounds nine shillings and sixpence, . . . . .	50	9	6
Charlestown, one hundred pounds, . . . . .	100	0	0
Watertown, fifty-five pounds eight shillings and threepence, . . . . .	55	8	3
Weston, twenty-three pounds nine shillings and sixpence, . . . . .	23	9	6
Concord, seventy-seven pounds six shillings and ninepence, . . . . .	77	6	9
Wobourn, seventy-four pounds seventeen shillings and threepence, . . . . .	74	17	3
Reading, fifty-two pounds five shillings and threepence, . . . . .	52	5	3
Sudbury, sixty pounds eighteen shillings and threepence, . . . . .	60	18	3
Marlborough, fifty-nine pounds fourteen shillings and ninepence, . . . . .	59	14	9
Lexington, thirty-six pounds one shilling and threepence, . . . . .	36	1	3
Newtown, forty-six pounds and sixpence, . . . . .	46	0	6
Malden, thirty-seven pounds nineteen shillings and ninepence, . . . . .	37	19	9
Chelmsford, forty-eight pounds three shillings and threepence, . . . . .	48	3	3
Billerica, forty-seven pounds nine shillings and sevenpence, . . . . .	47	9	7
Sherbourn, thirty-one pounds nineteen shillings and threepence, . . . . .	31	19	3

Westborough, thirteen pounds two shillings and ninepence, . . . . .	£13	2s.	9d.
Groton, thirty-three pounds six shillings and ninepence, . . . . .	33	6	9
Lancaster, thirty-seven pounds five shillings and ninepence, . . . . .	37	5	9
Framingham, thirty-seven pounds eighteen shill <sup>s</sup> and ninepence, . . . . .	37	18	9
Medford, nineteen pounds four shillings and threepence, . . . . .	19	4	3
Stow, thirty-one pounds six shillings and threepence, . . . . .	31	6	3
Worcester, ten pounds, . . . . .	10	0	0
Dunstable, eleven pounds and eleven shillings, . . . . .	11	11	0
Dracut, eight pounds eighteen shillings and ninepence, . . . . .	8	18	9
Leicester, six pounds, . . . . .	6	0	0
Littleton, ten pounds, . . . . .	10	0	0
Rutland, two pounds, . . . . .	2	0	0

## IN THE COUNTY OF HAMPSHIRE.

Springfield, seventy-five pounds four shillings, . . . . .	75	4	0
North hampton, fifty-eight pounds and nine shillings, . . . . .	58	9	0
Hadly, thirty-four pounds eight shill <sup>s</sup> and sixpence, . . . . .	34	8	6
Hatfield, twenty-eight pounds one shilling and sixpence, . . . . .	28	1	6
Westfield, twenty-nine pounds seventeen shill <sup>s</sup> and sixpence, . . . . .	29	17	6
Sufield, forty-two pounds seventeen shillings, . . . . .	42	17	0
Enfield, thirty-six pounds, . . . . .	36	0	0
Deerfield, twenty-six pounds, . . . . .	26	0	0
Brookfield, ten pounds, . . . . .	10	0	0
Sunderland, four pounds, . . . . .	4	0	0

## IN THE COUNTY OF PLYMOUTH.

Plymouth, seventy-two pounds one shilling and threepence, . . . . .	72	1	3
Plympton, forty-two pounds six shillings and ninepence, . . . . .	42	6	9
Situate, ninety-five pounds nine and ninepence, . . . . .	95	9	9
Bridgwater, sixty-eight pounds three shillings and sixpence, . . . . .	68	3	6
Marshfield, fifty pounds eighteen shillings and threepence, . . . . .	50	18	3
Pembroke, twenty-three pounds eight shillings and sixpence, . . . . .	23	8	6
Duxborough, thirty-one pounds nine shillings and threepence, . . . . .	31	9	3
Middleborough, thirty-eight pounds four shill <sup>s</sup> and eightpence, . . . . .	38	4	8
Rochester, thirty-six pounds twelve shill <sup>s</sup> and ninepence, . . . . .	36	12	9
Abbingdon, ten pounds and twelve shillings, . . . . .	10	12	0

## IN THE COUNTY OF BRISTOL.

Bristol, forty-eight pounds, . . . . .	48	0	0
Taunton, seventy-four pounds six shillings and sixpence, . . . . .	74	6	6
Norton, with North Purchase, thirty-nine pounds twelve shillings and ninepence, . . . . .	39	12	9
Dartmouth, one hundred eighty-one pounds and twelve shillings, . . . . .	181	12	0
Dighton, thirty-three pounds nineteen shillings and eightpence, . . . . .	33	19	8



Rehoboth, eighty pounds and three shillings, . . .	£80	3s.	0d.
Little Compton, sixty-one pounds eight shillings and sixpence, . . .	61	8	6
Swansey and Shawamet, fifty-three pounds and ninepence, . . .	53	0	9
Tiverton, one hundred pounds, . . .	100	0	0
Freetown, twenty-four pounds and nine shillings, . .	24	9	0
Attleborough, forty-three pounds and nine shillings, .	43	9	0
Barrington, seventeen pounds eighteen shill <sup>s</sup> and sixpence, . . .	17	18	6

## IN THE COUNTY OF BARNSTABLE.

Barnstable, eighty-two pounds and sixteen shillings, .	82	16	0
Sandwich, fifty-three pounds one shilling and threepence, . . .	53	1	3
Eastham, fifty-six pounds and four shillings, . . .	56	4	0
Truro, thirty-six pounds and seventeen shillings, . .	36	17	0
Yarmouth, fifty-one pounds and fifteen shillings, . .	51	15	0
Harwich, thirty-five pounds, sixteen shillings and threepence, . . .	35	16	3
Falmouth, twenty pounds and eighteen shillings, . .	20	18	0
Chatham, seventeen pounds eighteen shillings and sixpence, . . .	17	18	6

## IN DUKES COUNTY.

Edgartown, twenty-three pounds seventeen shillings and ninepence, . . .	23	17	9
Chilmark, thirty-eight pounds sixteen shillings and sixpence, . . .	38	16	6
Tisbury, eleven pounds eighteen shillings and ninepence, . . .	11	18	9

## IN THE COUNTY OF YORK.

York, thirty pounds, . . .	30	0	0
Kittery, sixty-five pounds fourteen shillings and threepence, . . .	65	14	3
Berwick, twenty-eight pounds nineteen shillings and sixpence, . . .	28	19	6
Wells, twenty-eight pounds thirteen shillings and ninepence, . . .	28	13	9
Falmouth, three pounds, . . .	3	0	0
Biddeford, three pounds, . . .	3	0	0

Nantucket, seventy-seven pounds and thirteen shillings,	77	13	0
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*And be it further enacted by the authority aforesaid,*

[SECT. 2.] That the treasurer do forthwith send out his warrants, directed to the selectmen or assessors of each town or district within this province, requiring them, respectively, to assess the sum hereby set upon such town and district in manner following; that is to say, to assess all rateable male polls, above the age of sixteen years, at thirty pence per poll (except the governour, lieutenant-governour, and their families, the president, fellows and students of Harvard College, settled ministers and grammar-school masters, who are hereby exempted as well from being taxed for their polls, as for their estate being in their own hand and under their actual management and improvement) and other persons (if such there be) who through age, infirmity or extream poverty, in the judgement of the assessors, are not capable to pay

towards publick charges, they may except their polls and so much of their estate as, in their prudence, they shall think fit and judge meet; and all estates, both real and personal, lying within the limits or bounds of such town or district, or next unto the same, not paying elsewhere, in whose hand, tenure, occupation or possession soever the same is or shall be found; and income by any trade or faculty which any person or persons (except as before excepted) do or shall exercise in gaining, by monies or other estate not particularly otherwise assessed, or commissions of profit in their improvement, according to their understanding and cunning, at one peny on the pound; and to abate or multiply the same, if need be, so as to make up the sum hereby set and ordered for such town or district to pay; and, in making their assessment, to estimate houses and lands at six years' income of the yearly rents whereat the same may be reasonably set or lett for in the places where they lye (saving all contracts between landlord and tenant, and, where no such contract is, the landlord to reimburse one-half of the tax set upon such houses and lands); and to estimate Indian, negro and molatto servants propor[tion\*]ly as other personal estate, according to their sound judgment and discretion; as also to estimate every ox of four years old and upward, at forty shillings; every cow of three years old and upward, at thirty shillings; every horse an[d\*] mare of three years old and upward, at forty shillings; every swine of one year old and upward, at eight shillings; every sheep and goat of one year old and upward, at four shillings; likewise requiring the assessors to make a fa[ir\*] list of the said assessment, setting forth, in distinct columns, against each particular person's name, how much he or she is assessed at for polls, and how much for houses and lands, and how much for personal estate and incom[e\*] by trade or faculty; and the list or lists so perfected and signed by them, or the major part of them, to commit to the collectors, constable or constables of such town or district, and to return a certificate of the name or names of such collector, constable or constables, together with the sum total to each of them respectively committed, unto himself sometime before the last day of September next.

[SECT. 3.] And the treasurer for the time being, upon the receipt of such certifi[cate\*], is hereby impowered and ordered to issue forth his warrants to the collectors, constable or constables of such town or districts, requiring him or them, respectively, to collect the whole of each respective sum assessed on each particul[ar\*] person, before the last day of March next; and of the inhabitants of the town of Boston, to collect their proportion sometime in the month of January foregoing, and to pay in their collection, and issue the accompts of the whole, [at or\*] before the last day of May next, which will be in the year of our Lord one thousand seven hundred and twenty-three.

*And be it further enacted by the authority aforesaid,*

[SECT. 4.] That the assessors of each town [and\*] district, respectively, in convenient time before their making the assessment, shall give seasonable warning to the inhabitants, in a town meeting, or in posting up notifications in some place or places in such town or district, [or otherwise\*] to notify the inhabitants, to give or bring in to the said assessors true and perfect lists of their polls and rateable estate; and if any person or persons shall neglect or refuse so to do, or bring in a false list, it [shall] be lawfull to and for the assessors to assess such person or persons, according to their known ability in such town, according to their sound judgment and discretion, their due proportion to this tax, as near as [they can\*], according to the rules herein given, under the penalty of twenty shillings for each person that shall be convicted by legall proof, in the judgment of the assessors, of bringing in a false list;

the said fine to be fo[r the\*] use of the poor of such town or district where the delinquent lives, to be levied by warrant from the assessors, directed to the collector or constable in manner as is directed for gathering of town assessments, and to be paid in to the town treasurer or selectmen for the use aforesaid: *saving* to the party agrieved at the judgment of the assessors in setting such fine, liberty of appeal therefrom to the court of general sessions of the peace within the county, for relief, as in case of being overrated.

[SECT. 5.] And if the party be not convicted of any falseness in the list by him presented of polls, rateable estate and income by any trade or faculty which he doth or shall exercise in gaining, by money or other estate, not particularly otherwise assessed, such list shall be a rule for such person's proportion to the tax, which the assessors may not exceed. [*Passed July 3 ; published July 9.*]

• Parchment destroyed.

# ACTS

PASSED AT THE SESSION BEGUN AND HELD AT BOSTON,  
ON THE EIGHTH DAY OF AUGUST, A.D. 1722.

## CHAPTER 9.

AN ACT TO ENCOURAGE THE PROSECUTION OF THE INDIAN ENEMY AND  
REBELS.

For encouragem[en]t to prosecute the Indian enemy and rebels, and to prevent their skulking and lying in wait in and about the frontier and out-towns,—

*Be it enacted by His Excellency the Govern[ou]r, Council and Representatives in General Court assembled, and by the authority of the same,*

[SECT. 1.] That the following rewards be allowed and paid out of the publick treasury to any company, troop, party or person singly who shall kill or take any of the Indian rebels or enemies; that is to say,—

Encourage-  
ment to volun-  
teers without  
pay or subsist-  
ence, in the ser-  
vice against the  
Indians.

First, to volunteers without pay or subsistence, for the scalp of any male Indian of the age of twelve years or upwards, the sum of one hundred pounds; and for the scalps of all others that shall be killed in fight, and the prisoners that shall be rendered to the commanding officer of any regiment, company, troop or garrison, fifty pounds each, and the sole benefit of the prisoners, being women or children under the age of twelve years, and the plunder; the prisoners to be transported out of the countr[e]y.

To volunteers  
without pay,  
being subsisted,  
&c.

Secondly, to the volunteers without pay, being subsisted and supplied with ammunition, the sum of sixty pounds for each scalp of any male Indian above the age of twelve years, and for the scalps of all others and for prisoners taken and rendered, as aforesaid, the sum of thirty pounds each, and the sole benefit of the prisoners, as aforesaid.

To parties issu-  
ing out on an  
alarm.

Thirdly, to any company, troop or party issuing forth upon an al[l]arm against the enemy, over and above the establish[e]d pay, thirty pounds per scalp, and ten pounds for each prisoner taken and render[e]d, as aforesaid, and the sole benefit of the prisoners, as aforesaid.

To the regular  
forces.

Fourthly, to the regular detach[e]d forces in the pay of the government, the sum of fifteen pounds for each scalp, and five pounds for each prisoner, as aforesaid.

How the re-  
ward and plun-  
der is to be di-  
vided.

The aforesaid respective rewards and what plunder may be taken, or the proceeds thereof, to be equally shared to and among the officers and soldiers of any such company, troop or party proportionably to their wages; the volunteers to have equal shares, unless they otherwise agree.

Wounded and  
maimed sol-  
diers to be  
taken care of.

[SECT. 2.] And if any voluntier or detach[e]d soldier, as aforesaid, shall happen to be wounded or maimed in the service, he shall be cured at the publick charge, and, during the continuance of such wound or maim, shall be allowed such stipend or pension as the gen[era]l court shall think fit to order: *provided, nevertheless,* that such volunteers as go out upon the bounty of sixty pounds per scalp, shall first have the allowance and approbation of his excellency the govern[ou]r, or of one

Volunteers on  
the £60 reward  
to have the al-  
lowance of the

or more of the field-officers of some regiment within this province, governor or field-officer, &c. [e]specially appointed by the governour for that purpose, before they proceed to destroy or take the Indians, as aforesaid, w[hi]ch may entitle them to the aforesaid bounty.

*And be it further enacted by the authority aforesaid,*

[SECT. 3.] That the abovementioned payments respectively to be made for every Indian, as aforesaid, slain or taken, be ordered upon [the] bringing in the prisoner or producing the scalp of the dead person, oath being made before the governour or one or more of his majest[y][ic]'s council, that it is, *bonâ fide*, the scalp of an enemy or rebel Indian killed or slain by him or them. Payment of the rewards to be made upon bringing in prisoners and making oath about the scalp.

[SECT. 4.] And if any person or persons shall produce any scalp not being the scalp of an enemy or rebel Indian, slain as aforesaid, with intent to deceive and obtain the reward hereinbefore granted, and be thereof convicted, the person or persons so offending shall suffer three months' imprisonment, and forfeit double the sum w[hi]ch by v[er]tue of this act should have accrued to him or them for an enemy or rebel Indian *bonâ fide* slain, as aforesaid; one moiety of such forfeiture to be unto his majesty for and towards the support of this government, and the other moiety to him or them that shall inform and sue for the same in any of his maj[esty's][ies] courts of record within this province. Penalty in case of fraud.

*Provided,*

[SECT. 5.] This act shall continue and be in force during the present Indian war and rebellion, and no longer. *[Passed and published August 16.]* Continuance of this act.

## CHAPTER 10.

### AN ACT FOR PUTTING THE INHABITANTS OF THE FRONTIER TOWNS WITHIN THIS PROVINCE INTO A POSTURE OF DEFENCE.

WHEREAS, in this time of war[r] the inhabitants of many of the towns within this province are much exposed to the Indian enemy and rebel[l]s, which renders it necessary that some places of defence be made for their reception.— Preamble.

*Be it therefore enacted by His Excellency the Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

[SECT. 1.] That the military officers of each frontier town within this province, commissioned, together w[ith] the selectmen of the same, be hereby impowered and required to order what houses within such town shall be made defenceable, and in what manner, whether by stockadoes, or by such other ways or means as they shall think most fitting for the safety of the inhabitants; but not to exceed the number allowed by the field-officers of the regim[en]t in w[hi]ch such town is s[ituat]ed: the charge of building or making such defence to be borne by the proprietors and inhabitants of such town, and assessed or proportioned by the selectmen or assessors, as other town charges are. Military officers and selectmen to order what houses are to be fortified in frontier towns. Field-officers to appoint the number of houses to be fortified. Charge of fortifying to be borne by the town.

[SECT. 2.] And where any house or houses in any town that have b[e]n already put into a posture of defence, shall be pitched upon, as aforesaid, to be a place of refuge for the inhabitants, the necessary charge that may have b[e]n expended in fortifying such house[s] shall be appraised by three persons upon oath, to be appointed by the military officers and selectmen of such towns, and the valuation so made (consideration being first had of the present state and circumstances Houses before fortified, charge to be appraised



thereof) to be assessed, as afores[ai]d, and to be repaid to him or them that shall have disbursed or laid out the same.

Inhabitants to attend the work in person or with their teams.

Penalty.

[SECT. 3.] And in case of such order to put any house into a defenceable condition, every inhabitant (upon due notice given him by one of the selectmen, or such other as they shall appoint to inspect such business) shall be obliged to attend such work as he shall be ordered, either by himself, or with his team, on pain of forfeiting the sum of five shillings per diem for his not attending such work, and six shillings per diem for such as do not send their team; w[hi]ch forfei[ei]ture shall be recovered by complaint made by the selectmen of such town to one of his maj[es]ty's justices of the peace of the county wherein such town lyeth, and shall be employed for defraying the charge of such building.

Field-officers to order the fortifying houses, in case.

[SECT. 4.] And if the military officers and selectmen of any frontier town shall neglect to make suitable provision for the reception and defence of the inhabitants, that then the field-officers of the regim[en]t wherein such town lyeth, shall order what houses shall be made defenceable, and in what manner; and in case of such order, the above rule to be observed with respect to the charge of building, obligation to labour, penalt[ie]s and application of fines, as, also, in case of need of reparation of buildings already made, or to be made for the safety of the inhabitants.

Persons and families to be assigned to particular houses.

[SECT. 5.] And when a suitable number of houses are made safe and secure by direction, as afores[ai]d, that then the military officers and selectmen of the town shall order and appoint what persons and families shall retire thither and lodge therein; and if any person or persons refuse so to do, or shall withdraw him or themselves from such place, without leave first obtained from the military officers and selectmen of such town, he or they shall forfeit the sum of ten pounds, to be recovered by the selectmen or town treas[ure]r, in any of his maj[es]ty's courts of record, and applied as is before directed.

Penalty for refusing to receive persons assigned to fortified houses.

[SECT. 6.] And the owner of every house fortify[e]d at the town charge, that shall refuse to receive such of the inhabitants as shall be by the said military officers and selectmen allotted to him, shall be obliged to repay to the town the charge they have been at for fortifying his house, as afores[ai]d, to be recovered by the selectmen or town treasurer, in any of his maj[es]ty's courts of record; and shall also forfeit the sum of fifty pounds, to be recovered as afores[ai]d.

*And be it further enacted by the authority afores[ai]d,*

Towns subject to this act.

[SECT. 7.] That all the towns within the county of York, together with the towns hereafter p[ar]ticularly enumerated, shall be subject to, and regulated by, this act; that is to say, in the county of Essex, Salisbury, Almsbury, Haverhill and Andover; in Middlesex county, Dracut, Chelmsford, Billerica, Dunstable, Groton, Lancaster, Westborough, Shrewsbury, Worcester, Leicester and Rutland; in Suffolk county, Sutton, Oxford and Woodstock; in the county of Hampshire, Springfield, Brookfield, Brimfield, Sunderland, Hadley, Northfield, Deerfield, Hatfield, Northampton and Westfield.

Continuance of the act.

[SECT. 8.] This act to continue and be in force during the present war[r] and rebellion of the Indians, and no longer. [*Passed and published August 16.*]

# ACTS

PASSED AT THE SESSION BEGUN AND HELD AT BOSTON  
ON THE FIFTEENTH DAY OF NOVEMBER, A.D. 1722.

## CHAPTER 11.

AN ACT FOR PUNISHING OF OFFICERS AND SOLDIERS RETAINED IN HIS  
MAJEST[Y][IE]'S SERVICE AND PAY.

WHEREAS, no man may be forejudged of life or limb, or subjected to any kind of punishment by martial law, or in any other manner than by the judgment of his peers, and according to the known and established laws of this province; yet, nevertheless, it being necessary, for retaining such forces as are and shall be raised for his majest[y][ie]'s service, in this time of war[r] with the Indian enemy and rebel[l]s, for the safety and defence of this province, and of his majest[y][ie]'s subjects and interests with the same, in their duty, that an exact discipline be observed, and that soldiers in the service, and under pay, be brought to a more exemplary and speedy punishment than the usual forms of law will allow,—

Preamble.  
See 1704-5, chap.  
7.

*Be it therefore enacted by the Lieutenant-Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

[SECT. 1.] That every person that shall be in his majest[y][ie]'s service, being mustered and in pay as an officer or soldier, who shall, at any time during the continuance of this act, commit any of the offences hereinafter enumerated, shall be subject and l[i][y]able to the pains and penalties herein respectively assigned and annexed thereto, and to be inflicted in manner as hereafter is directed; that is to say,—

Officers and sol-  
diers to be pun-  
ished for cf-  
fences.

I. All officers and soldiers (not having just impediment) shall diligently frequent daily prayers, and the publick worship of God on the Lord's days, in such places as shall be appointed for the regiment, company or garrison to which they belong; and such as either wilfully or negligently absent themselves from prayer or divine service, or else, being present, do behave themselves indecently or irreverently during the same, if they be officers, they shall be severely repre[ma][he]nded at a court mar[tial][shall], but, if private soldiers, they shall, for every such first offence, forfeit, each man, twelvepence, to be deducted out of their next pay; and, for the second offence, shall forfeit twelvepence, and be laid in irons not exceeding twelve hours; and, for every like offence afterwards, shall suffer and pay in like manner.

For neglect of  
divine service.

II. Whosoever shall use any unlawful oath or execration, shall be punished by lying in the bilbo's, not exceeding twelve hours, or running the gantlet[t].

Swearing and  
cursing.

III. If any officer or soldier shall presume to blaspheme the holy and undivided Trinity, or the persons of God the Father, God the Son, or God the Holy Ghost, he shall have his tongue bored through with a red-hot iron.

Blasphemy.

IV. If any officer be found drunk, the day of his guard, he shall be

Drunkenness.

cashiered for it, and, for being drunk at any other time, shall pay the sum of ten shillings; and if any soldier shall be found drunk, he shall, for the first offence, be admonished, and, for every after offence, shall pay the sum of five shillings, to be deducted out of his wages; and if he happen to be drunk when he is upon duty, over and above the said payment, he shall ride the wooden horse not exceeding one hour.

Theft and robbery.

V. If any person, in his majest[y][ie]'s service and the pay of this government, commit robbery and theft, he shall be punished by running the gantlet, or such other proper military punishment as, by a court-mar[tial][shall], may be determined, according to the degree of the offence and aggravating circumstances therein, and make restitution and satisfaction for the same; and if not otherwise able, then to be deducted out of his pay or wages.

Mutiny and desertion.

VI. No officer or soldier shall presume to excite, cause or joyn in any mutiny or sedition in the army, company, fortress or garrison whereto he belongs, or shall desert his majest[y][ie]'s service in the army, company, fortress or garrison whereto he belongs, on pain of death, or suffering such other punishment as shall be inflicted by a court-martial, or by the justices of assize, before whom he shall be convicted, in the county where he shall be taken, in case he have not been tried before a court-martial.

And, for the better encouragement of any person or persons to apprehend and secure such deserters,—

Encourage-  
ment to apprehend deserters.

Whoever shall, with or without a warrant, apprehend any deserter, and convey him to one of his majest[y][ie]'s justices of the peace, shall receive forty shillings out of the publick treasury, to be paid upon producing such justice's certificate, and to be deducted out of such deserter's wages in the next muster-roll.

Sedition and mutiny.

VII. And whosoever shall utter [any] words of sedition or mutiny, shall lo[o]se and forfeit his wages, and be laid neck-and-heels, not exceeding the space of one hour.

Negligence upon the guard.

VIII. A centinel who shall be found asleep or negligent of his duty, in any fort or garrison where he shall be placed, and [every] [any] centinel or perdue that shall forsake his place before he be relieved or drawn off, or, upon discovery of the enemy, shall not give warning thereof to his quarters, according to direction, he shall suffer death, or some other grievous punishment, by loss of his pay, running the gantlet[t], and such other proper military punishment as, by a court-martial, shall be determined, according to the degree of the offence and circumstances aggravating the same.

Not keeping silence.

IX. Every soldier shall keep silence when the army is marching, embatt[ell][le]ing or taking up their quarters (to the end that their officers may be heard, and their orders executed), upon pain of imprisonment, or being laid neck-and-heels by the space of one hour.

Resistance and striking or drawing upon a superior officer.

X. No inferiour officer or soldier may refuse to obey his superiour officer, or presume to resist, strike, or lift up his hand to strike, draw, or offer to draw, any weapon against him, upon any pretence whatsoever, on pain of being punished by cashiering, running the gantlet, riding the wooden horse, or being laid neck-and-heels, or laid in irons; according to the degree of the offence and circumstances aggravating the same.

Spoiling, losing or playing away arms.

XI. If any soldier shall wilfully spoil, lo[o]se or play away his arms, he shall remain in the quality of a pioneer or scavenger, until he be furnished again with as good arms, at his own charge; and if he be not otherwise able, the one-half of his pay shall be deducted and set apart for the providing him therewith until he be refurbished.

Embezzling or selling ammunition.

XII. None shall presume to spoil, sell, convey away or imbezel any ammunition delivered to him, on pain of riding the wooden horse one hour, and having the value of the same deducted out of his wages.

All pains and penalties, for breach of any of the foregoing articles, not extending unto life, may be inflicted by the chief commanding officer of the regiment, or the commission officers of any particular company, fortress or garrison.

Penalties not extending to life or limbs to be inflicted by the court-martial.

*And be it further enacted by the authority aforesaid,*

[SECT. 2.] That the captain-general or commander-in-chief of this province, for the time being, during the continuance of this act, shall have full power and authority, by and with the advice and consent of the council, to grant commission to any colonel, or other field officer in his majesty's service, and under pay, from time to time to call and assemble courts-mar[tial][shall], for the hearing and punishing of any of the offences, aforesaid, that may be punished with death; and that no court-mar[tial][shall] shall consist of fewer than eleven, whereof none to be under the degree of a commission officer under pay; and the president of such court-martial not to be under the degree of a field officer, or the then commander-in-chief of the forces, under pay, where the offender is to be tryed. And that such court-martial shall have power to administer an oath to any witness, in order to the due examination or tryal of such offences,—

Governor and commander-in-chief to grant commission for courts-martial.

*Provided always, and be it enacted,*

[SECT. 3.] That in all tryals of offenders by courts-mar[tial][shall], to be held by virtue of this act, every officer present at each tryal, before any proceeding be had thereupon, shall take an oath before the courts and a justice of the peace, if any shall be there present; otherwise, the president of such court, being first sworn by two members thereof, shall administer the oath unto the others; and the president of such court, and any two other members thereof, respectively, are hereby authorized to administer the same, in these words; that is to say,—

Members of courts-martial to be under oath.

You shall well and truly try and determine, according to your evidence, the matter now before you, between our sovereign lord the king and the prisoner now to be tryed. So help you God.

Oath.

[SECT. 4.] And no sentence of death shall be given against any offender, by any court-martial, unless nine of the eleven officers present shall concur therein; and if there be a greater number of officers present, then the judgment shall pass by the concurrence of the greater part of them, so sworn[e], which major part shall not be less than nine; and not otherwise.

Number of the court to concur in the sentence.

[SECT. 5.] And no proceeding or tryal shall be had upon any offence but between the hours of eight of the clock in the morning, and one in the afternoon.

Time of the court's sitting.

[SECT. 6.] Nor shall any sentence of death, passed by any court-martial upon any offender, be put in execution, until report be made of the whole matter, by the president of such court, unto the captain-general or commander-in-chief of this province for the time being, in order to receive his direction therein; and the prisoner shall be kept in safe custody in the mean time. And the provost-marshal shall have a warrant, signed by the president of the court, to cause execution to be done, according to the sentence, before the same be executed.

Governor or commander-in-chief to give order for putting the sentence in execution.

*Provided always,*

[SECT. 7.] That nothing in this act contained shall extend or be construed to exempt any officer or soldier, whatever, from the ordinary process of law.

Provisos.

*Provided,*

[SECT. 8.] That no officer or soldier, after his being dismissed and out of pay, shall be tryed by a court-martial for any offence committed during his continuance in the service, but such officer or soldier shall

be left to be tryed by the course of the common law; any usage or custom to the contrary notwithstanding.

*Provided also,*

Continuance of the act.

[SECT. 9.] That this act shall continue and be in force during the present war[r] with the Indian enemy and rebels, and no longer.

Act to be published in the companies.

[SECT. 10.] And that the same be published by the captain or commanding officer of every company, fortress or garrison, unto the soldiers thereto belonging, upon his first receipt thereof, and so once a month, from time to time. [*Passed January 15; published January 19, 1722-23.*]

## CHAPTER 12.

AN ACT FOR THE FURTHER ENCOURAGEMENT AND REGULATION OF THE OFFICERS AND SOLDIERS, RETAINED IN HIS MAJEST[Y][IE]'S SERVICE AND PAY OF THIS GOVERNMENT.

*Be it enacted by the Lieutenant-Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

Captains, &c., to deliver provisions and other stores.

To be allowed £3 per month for their care.

None to supply soldiers but out of the public stores;

—nor at higher rates than they were bought for.

[SECT. 1.] That the captains or chief officers of each company shall receive all the provisions, stores and supplies for their respective company, and give receipts for the same, and deliver them out to the soldiers under his or their command accordingly, and be allowed and paid out of the publick treasury for such his care and trouble, after the rate of three pounds per month for fifty men, and so in proportion.

[SECT. 2.] And no officer or soldier retained in the service and pay of this government, shall supply the soldiers with any stores whatsoever, of their own or otherwise, than out of the supplies and necessaries sent from the publick treasury. And the soldiers shall receive no supplies or stores at a higher price than they are purchased at by the treasurer. And the commanders who deliver out the said stores, shall be under oath to supply the officers and soldiers according to the original invoices received of the treasurer, upon the forfeiture of fifty pounds for either of the said offences.

*And be it further enacted by the authority aforesaid,*

None to credit soldiers for clothing, &c.

No process to be granted for debts contracted in the service.

[SECT. 3.] That if any person whatsoever, other than such as are by this act appointed, shall trust or give credit to any soldier during his being actually in the service, for cloathing, or other thing whatsoever, no process shall be granted or served on such soldier for any debt so contracted, until[1] he be dismiss[e]d the service; and every writ[t] or process granted or served contrary hereto, shall be deemed and judged void in law, and of none effect. And any justice of the peace within the county where any soldier is committed or restrained upon process granted for debt, or pretension of debt made, as aforesaid, upon certificate from the captain or chief officer, under whose command such soldier is (setting forth, that at the time of such debt contracted, he then was and still continues a soldier under the pay of this government), shall forthwith order his release from confinement, to return to his duty.

*Provided,*

Proviso.

[SECT. 4.] That no person *bona fide* and justly indebted to another, shall be suffered to defeat his creditor by voluntarily enlisting or hiring himself into the service, thereby to avoid or delay payment, and be protected from the law; but in such case, upon application made by the creditor to the captain-general or [the] commander-in-chief, for the time being, setting forth his just debt before contracted; such person shall



be immediately dismiss[*e*]d the service and left open to the law ; any law, usage or custom to the contrary notwithstanding.

*And be it further enacted by the authority aforesaid,*

[SECT. 5.] That no officer, soldier or other person whatsoever, retained in the service of this governm[en]t, shall supply the soldiers with rum or strong drink, more than their stated allowance from the province, upon forfeiture of ten[n] pounds, for every offence.

No person to sell rum to the soldiers, under penalty

*And be it further enacted by the authority aforesaid,*

[SECT. 6.] That no soldier, being a son under age or [a] servant shall be allowed to take up of the publick stores for cloathing, or other necessaries more than one-half of their pay, nor any other soldier more than two-thirds of his pay or wages.

What part of their wages soldiers may take up.

[SECT. 7.] And no soldier in the service of the governm[en]t shall be allowed to pawn, truck, barter or exchange with any person whatsoever, any arms, ammunition or cloathing ; and all arms, ammunition or cloathing pawn[*e*]d, truck'd, barter[*e*]d, or exchanged as aforesaid, shall be restored and made good without any price or redemption for the same, to be render[*e*]d or given ; and the soldier or soldiers offending in making such pawn, truck, barter or exchange, and in accepting or receiving of the same, shall be punished by lying neck-and-heels, or other proper military punishment.

Soldiers not to pawn or truck their clothing or arms.

Penalty.

*And be it further enacted by the authority aforesaid,*

[SECT. 8.] That if any captain or commanding officer shall use or allow of any deceit or couesnage by continuing the name of any soldier upon the roll that is discharged, dead, run, or turn[*e*]d over to another company, or by entering him sooner than by law he ought to do, every such captain or commanding officer shall lose and forfeit the sum of fifty pounds, and be forthwith cashiered and displaced from his office, and be disabled to have or hold any military office or employment in his majest[y][ie]'s service within this province.

Penalty for false musters.

[SECT. 9.] And no commanding officer of any company shall presume to dismiss or exchange any officer or soldier under his command, without express order from the captain-general or commander-in-chief, for the time being ; and upon receipt of such order directed to him for the dismissal or exchange of any officer or soldiers, he shall not directly or indirectly demand, take or receive any fee, payment, consideration or gratuity whatsoever, or the promise thereof from any person whatsoever for such dismissal or exchange, upon the like penalty of fifty pounds, and of being cashiered and disabled, as aforesaid.

Penalty for dismissing soldiers without order.

And for receiving money for their dismissal.

[SECT. 10.] And no captain or commanding officer of any company or party shall have more than two men absent from their posts upon furlow at one and the same time, excepting such as are sent for by the special order of the captain-gen[era]l[1], nor shall grant a furlow or pass to any of his men for more than ten or twelve days' time, on the penalty of forfeiture of one month's pay, to be subducted out of his wages.

No more than two soldiers to be absent at a time, and but for 12 days.

*And be it further enacted by the authority aforesaid,*

[SECT. 11.] That all commanding officers of marching or scouting forces retain[*e*]d in the pay of this government, over and above rendering such account to the captain-gen[era]l[1] or commander-in-chief, for the time being, as he shall require, shall transmit fair journals of their proceedings once in three months at least into the secretar[y][ie]'s office, on penalty and forfeiture of one month's pay for each offence, to be subducted out of his wages.

Journals to be sent to the secretary's office.

[SECT. 12.] And all the other fines, penalties and forfeitures contained in this act shall be recovered in any of his majest[y][ie]'s courts of record within this province, the one half for and towards the sup-

Recovery and disposing of fines.

port of this government, and the other moiety to him or then that shall inform and sue for the same.

Term of this act's continuance.

[SECT. 13.] This act to continue and be in force to the end of the session of the general assembly in May, one thousand seven hundred and twenty-four and no longer. [*Passed January 15; published January 19, 1722–23.*]

## CHAPTER 13.

AN ACT FOR ALTERING THE TIME FOR HOLDING THE COURT OF GENERAL SESSIONS OF THE PEACE, FOR THE COUNTY OF SUFFOLK.

Preamble.

1699–1700, chap. 1, § 2, and chap. 2, § 2.

WHEREAS the court of general sessions of the peace, and inferiour court of common pleas for the county of Suffolk, are by law appointed to be held on one and the same day, which, by reason of the great increase of business in both these courts, necessarily occasions a great and needless expence both of time and money; not only the justices but sundry persons summoned on behalf of his majesty on tryals against criminals (some of whom oftentimes live remote from the place of the court's sitting) being obliged to attend much longer than they would do if the court of general sessions of the peace and inferiour court of common pleas had their separate and distinct days of sitting; by which custom, if continued, his majest[*y*][*ie*]'s good subjects may be discouraged in their informing against and prosecuting several breaches of [*the*] law,—

*Be it therefore enacted by His Excellency the Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

Time of the court of general sessions of the peace sitting.

[SECT. 1.] That the court of general sessions of the peace for the county of Suffolk, shall be henceforward holden at Boston for the county of Suffolk aforesaid, on the Wednesday next immediately prece[e]ding the time appointed by law for holding the inferiour court of common pleas, at Boston aforesaid, for the county of Suffolk aforesaid

*And be it further enacted by the authority aforesaid,*

All matters which should have been heard on the first Tuesday of January, to be heard at this court.

[SECT. 2.] That all appeals, inditeiments, recognizances and other process already issued which should have been heard and tryed before the court of general sessions of the peace at Boston, for the county of Suffolk, on the first Tuesday of January next, shall be heard and tryed at the court of general sessions of the peace at Boston, for the county of Suffolk aforesaid, on the Wednesday next immediately preceding the first Tuesday of January next; and all officers, grand jurors, and others concerned herein are to conform themselves accordingly.

*And be it further enacted by the authority aforesaid,*

Venires to be issued for jury-men.

[SECT. 3.] That *venires* be issued out of the clerk's office of the said court, returnable on the second day of the court's sitting, for sixteen persons qualified by law to serve as jurors at such courts, who shall be exempted from serving as jurors at the inferiour court of common pleas next following; any law, usage or custom to the contrary notwithstanding.

Time of the act's continuance.

[SECT. 4.] This act to continue and be in force for the space of three years from the publication thereof, and no longer. [*Passed November 30; published December 3.*]

## CHAPTER 14.

## AN ACT FOR REVIVING AN ACT, ENTITUL[E]D, AN ACT TO PREVENT THE OPPRESSION OF DEBTORS.

WHEREAS an act entitled "An Act to prevent the oppression of debtors," made and pass[ed] in the eleventh year of her late majesty Queen Ann[e], and re-enacted in the second year of his present majesty, but now expired, was found to be very beneficial to his majesty's subjects of this province, and the reasons for making the said act still continuing,—

*Be it enacted by the Lieutenant-Govern[or], Council and Representatives in Gen[eral] Court assembled, and by the authority of the same,*

That the said act be and hereby is revived and re-enacted; and that from and after the publication of this act, no debtor for any debt made [or] [and] contracted, since the thirtieth day of October, *anno* one thousand seven hundred and twenty-two, or that shall be contracted before the last day in October, one thousand seven hundred and thirty, (specialties and express contracts in writing always excepted), that shall tender satisfaction and payment of his full debt in good and lawful bills of credit on this province, shall be lyable to have execution served and levied upon his person or estate, or be imprisoned upon any recovery of judg[em]ent to be granted agai[us]t him for such debt; any law, usage, or custom to the contrary notwithstanding. [*Passed January 15; published January 18, 1722-23.*]

Preamble.  
1712-13, chap. 6.  
1715-16, chap. 13.

No man to be  
imprisoned that  
tenders his debt  
in bills of credit.

Specialties  
excepted.

NOTES.—There were but three sessions of the General Court this year. The third session, which ended January 19, 1722-3, was prorogued to March 6; and again, February 18, to April 14, 1723; but, on the fourth of April, was dissolved by proclamation.

The engrossments of all the acts of this year are preserved; and all, except chapters 6, 7 and 8, were printed.

The following are the titles of the private acts passed this year:—

"An Act to Enable Edward Jackson of Newton in the County of Middlesex Farmer to file Reasons of Appeal from the Decree or Sentence of the Hon<sup>ble</sup> Francis Foxcroft Esqr Judge of Probates for the County of Middlesex passed on the fifth of February 1721, Relating to the Administration of the Estate of Jonathan Jackson (supposed to be dead) which was granted to Sarah Jackson Mother & Joseph Jackson Brother of the said Jonathan Jackson."—[*Passed June 19.*]

"An Act to Enable Thomas Smith of Ipswich in the County of Essex Inholder to Review an Action brought against him by William Baker of Boston in the County of Suffolk Baker Administrator to the estate of Nathaniel Baker late of said Boston Baker Deceased."—[*Passed June 19.*]

"An Act for Confirming three Acres of Upland and Meadow Situate in Beverly unto Sarah Patch One of the Daughters & Coheirs of John Patch late of Beverly aforesaid, Dec<sup>d</sup> Intestate."—[*Passed December 15.*]

"An Act in Addition to and Explanation of a Private Act Intituled An Act to enable Hugh Hall Jun<sup>r</sup> to redeem the Estate of His late Grandfather Benj<sup>n</sup> Gibbs Dec<sup>d</sup> situate in Boston in Hanover Street passed at a Session of y<sup>e</sup> Gen<sup>l</sup> Assembly held at Cambridge by [a] [d] [o] [u] [r] [n] [m] \*<sup>1</sup> March 2<sup>d</sup> 1721."—[*Passed January 16, 1722-3.*]

"An Act Enabling John Usher Esqr to prosecute an Appeal at the Next Superi<sup>r</sup> Court to be Held for the County of Middlesex at the Suit of John Foye Esqr"—[*Passed January 18, 1722-3.*]

"An Act for the enabling Jonathan Blake, George Sumner, William Sumner and Edward Sumner to have a New Tryal upon a Presentment or Indictment found against them by the Grand Jury for the County of Suffolk at a Court of Assize held for the said County at Boston, on the first Tuesday of November 1719."—[*Passed January 18, 1722-3.*]

All of the public acts of this year, except chapters 3, 4, 6, 7 and 8, were included in the list of acts sent by the Lords of Trade to Mr. West, October 15, 1724, for his opinion thereon. In Mr. West's report, dated May 17, 1725, he states that he has no objection to the confirmation of chapters 1, 5, 9, 10, 11, 12 and 13. To chapter 14 he gives a qualified assent, and his comments on this chapter, and upon chapter 2, are hereunder given in the notes to those chapters respectively. Chapter 8 was specially considered by the Board as early as November 14, 1723, by order of a committee of the Privy Council. The proceedings of the Board and of the Privy Council upon this chapter are shown in the note to that chapter, *post*.

• Obliterated in the engrossment.

*Chap. 1.* "June 3 1743. A Certificate signed by the Surveyors of Canvas, importing that they had surveyed two pieces of Canvas manufactured by Jonathan Smith of Hadley & found them to be conformable to the Order of the General Court.

In the House of Representatives; On a Motion made and seconded:—

ORDERED that the Treasurer be directed to pay the Premium allowed by a law of this Province, to the within named Jonathan Smith, the said Law being expired notwithstanding. In Council; Read and Concur'd

Consented to W. SHIRLEY."

—*Council Records*, vol. XVII., book 4, p. 35.

*Chap. 2.* "My Lords, in obedience to your Lordships' commands I have perused & considered an Act passed in the Province of the Massachusetts Bay in New England in 1722, Entitled An Act to enable the Overseers of the Poor and Select Men to take care of idle & disorderly persons.

The intention of this Act is very specious But it is worded in so loose a manner that it puts every man into the power of the Selectmen of every Town and therefore I submit to your Lordships' if it is proper to be pass'd into Law."—*Report of Mr. West, to the Lords of Trade*, May 17, 1725: *Pub. Rec. Office*, "Mass. Bay, B. T." vol. 72, F. f. 51.

*Chap. 3.* "June 6, 1721. Mr Speaker and the Representatives being come up His Excellency made a Speech to both Houses in the following Words; Viz.,

'Gentlemen, Having lately received an Additional Instruction from his Majesty Relating to the Issuing of the Bills of Credit of this Province I shall Communicate it to you, As being a Matter of Great Concern both to the Government & Trade of this Country,

And since It has pleased Almighty God in his holy Providence so to Order it, That this Session of the General Assembly is held at Cambridge & not at Boston (As it used to be) I hope you will the sooner go through with the necessary Affairs of the Government, Wherein as You shall not want my Concurrence & Assistance, So I shall Depend on your ready and cheerful Support & Encouragement.'

His Excellency having ended his Speech, Deliver'd a Copy thereof to the Speaker And Dismissed the House to their Business."—*Council Records*, vol. XI., p. 156.

"June 10. 1721. In the House of Representatives; His Excellency's Additional Instructions from the Lords Justices Dated at Whitehall the 27<sup>th</sup> of Septem<sup>r</sup> 1720. being Read, Debated upon, And the House differing in their Apprehensions about the true Meaning thereof;

Ordered that Elisha Cook Esqr William Dudley Esqr & Cpt. John Gardner be a Committee to wait on his Excellency the Govern<sup>r</sup> & to Desire his Explanation of them, That this House may know How to Act thereon.

In Council; Read, And thereupon The Secretary went down on a Message to the Representatives, That his Excellency desires They would send in Writing what particular Difficulty they meet with in Explaining the said Instruction."—*Ibid.*, p. 162.

"June 13. 1721. In the House of Represent<sup>ves</sup> Whereas this House on Saturday last pass'd a Resolve & sent up to his Excellency the Governour, Praying his Explanation of the Instruction to him from the Lords Justices, Touching his Passing Acts for the Striking or Issuing Bills of Credit in the Lieu of Money or for Payment of Money &c. Whereupon his Excellency sent a Message to the House by Mr Secry. Willard, That he would have the House inform wherein the Difficulty of the Instruction consists; Now forasmuch as by the Instruction His Excellency is not to give his Assent to the Passing of Acts for the Striking or Issuing of Bills of Credit in Lieu of Money or for the Payment of Money either to himself or any of his Majesties Council or Member of the Assembly or any other Person whatsoever without Inserting a Clause in the said Act as therein mention'd And then comes an Exception [Except Acts for Raising & Settling a Publick Revenue for Defraying the necessary Charges of the Government according to the Instruction already given] Whether by that Exception is meant that the Governour may give his Assent to an Act or Order for Raising & Settling a Revenue. That is by Fixing a settled Salary on himself & other Officers in the Government without Inserting the aforesaid Clause in the said Act, Or If what is given to his Excellency or any others by Way of Allowance as heretofore hath been accustomed, His Excellency is not to Assent to any such Order or Act of Allowance without having the aforesaid Clause inserted is uncertain to this House; And the Instruction referring to former Instructions W<sup>ch</sup> this House hath not been favoured with & so cannot know the Meaning of.

Wherefore to prevent all Misunderstanding & to keep & maintain a good Agreement & Harmony between His Excellency & this House, They are desirous That his Excellency would be pleased to signify to them How he apprehends & takes those instructions As to his Power of Passing Acts for the Issuing of more Bills of Credit in Lieu of Money or for Payment of Money for the necessary Charge of the Government."—*Ibid.*, p. 163.

"June 14. 1721. In Council; His Excellency having Communicated the Message of the Hon<sup>ble</sup> House of Represent<sup>ves</sup> Referring to his Majesties Additional Instruction;

The Council are unanimously of Opinion That his Majesties said Additional Instruction does not affect the usual Allowance granted to his Excellency the Governour for his Support in Managing the Affairs of the Government or any other Ordinary Grants or Allowances made by the General Assembly from Time to Time to other Persons or Officers concerned in the Government But that such Grants or Allowances may be made without the Clause mentioned in the Instruction in the same Manner as has been hitherto Practiced by the General Assembly. Such Allowances & Grants being Part of y<sup>e</sup> necessary Charge of the Government of the Province For the Defraying of which the Acts for Laying & Raising of Taxes & Settling the Revenue are made And can not by any reasonable Construction be look'd upon as an Act or Acts of an unusual or extraordinary Nature Or wherein his Majesties Prerogative or the Property of his Subjects is prejudiced.

The Opinion of the Council is Agreeable to my own Sentiments in this Matter & I shall Act accordingly (Signed) SAMLL SHUTE."

—*Ibid.*, p. 165.



*Chap. 7.* "June 30<sup>th</sup> 1722. In the House of Representatives Resolved that whereas the Act for Granting to his Majesty several Duties & Rates of Impost & Tonnage of Shipping obliges the Importer of all Wines, Liquors, Goods, Wares & Merchandise imported into any Part of this Province (Except as in the said Act is Excepted,) to pay certain Rates & Duties of Impost, Notwithstanding which There are great Quantities of Liquors, & Merchandise brought into the Ports or Harbours that pay no Duties, RESOLVED that the Commissioners of Impost substitute & appoint meet suitable Persons Deputy Receivers in the following Ports & Harbours; That is to say:—One in the Port or Harbour at Newbury:—One in the Port or Harbour of Plymouth:—One in the Port or Harbour of Barnstable:—One in the Port or Harbour of Kittery:—One in the Port or Harbour of Swansey:—One in the Port or Harbour of Edgar Town; One in the Port or Harbour of Nantucket:—Requiring them to take Special Care that the Act be duly observed & that they inform against all Breaches of the said Act.

In Council; Read & Concur'd:—  
—*Council Records*, vol. XI., p. 341.

Consented to, SAMUEL SHUTE."

*Chap. 8.* A history of the interesting and important controversy between the inhabitants of the towns of Dartmouth and Tiverton and the General Court, respecting the power of the legislature to oblige towns to support ministers against the will of a large majority of the inhabitants and legal voters, might have been given as an appropriate commentary upon 1706-7, chap. 9, or 1745-46, chap. 17, as illustrating the conflict between those acts and the provisions of the charter guaranteeing liberty of conscience; but, according to the plan pursued in the editing of these volumes, the reasons moving the Privy Council to remit a portion of the taxes upon those towns, come more properly in a note to the act so modified or disallowed, and are therefore hereunder given with a fullness of detail which it is believed the importance of the subject warrants.

The records of the town of Tiverton, prior to 1760, are supposed to be lost; and the records of the court of sessions for Bristol county, between 1719 and 1724, are also missing. From the town records of Dartmouth, however, the doings of the inhabitants in their opposition to this law have been gathered by comparing the somewhat mutilated entries touching this subject.

As early as 1704, the General Court, by the following order, had authorized Mr. Gardner, a preacher at Dartmouth, to join persons in marriage, there being no ordained minister in the town:—

"November 17<sup>th</sup> 1704 Upon Reading the Petition of Mr James Sampson Representative of the Town of Dartmouth setting forth that the said Town is at present destitute of an ordained Minister so that when any would join together in Marriage, they are necessitated to be at Trouble & Charge of Travelling twenty or thirty Miles to the next Justice of the Peace. Praying that Mr Gardner a Preacher of the Gospel in the said Town may be permitted to join Persons in Marriage in the said Town, Pursuant to the Directions in the Law, so long as he shall continue a Preacher in the said Town, With the Order pass'd in the House of Representatives thereon; Viz, That the Prayer of the said Petition be granted.

VOTED a Concurrence:—

Consented to, J. DUDLEY."

—*Council Records*, vol. VIII., p. 94.

Nearly four years later the General Court provided a minister for Dartmouth, by the following resolve appointing to that office Rev. Samuel Hunt who had been officiating at Dunstable, and had served, also, as chaplain in the expedition to Nova Scotia:—

"June 8<sup>th</sup> 1708 WHEREAS It has bin reported & represented to this Court at a Session in the Year past, by her Majesties Justices of the Court of General Sessions of the Peace for the County of Bristol sitting in Court, That the Town of Dartmouth within the said County, having been several Times presented, & complained of for not Providing them selves of a Minister, as by Law is directed, and that the necessary Orders by them made thereupon, as by Law they are empower'd, not being duly observed, but eluded, & render'd ineffectual for remedy thereof; They remaining destitute of such a Minister; And Mr Samuel Hunt Minister having been lately treated, & prevailed with to go, & reside there, & serve them in the Work of the Ministry;

RESOLVED that the said Mr Hunt be sent to the said Town of Dartmouth, to be their Minister, And that Provision be made by this Court as the Law directs, for his Hon<sup>ble</sup> Support & Maintenance.

Agreed by the Representatives And that the Sum of Sixty Pounds be allowed as a Salary for the said Minister for the Year ensuing, And in Case his abode there shall be for a less Time, in the same Proportion.

Concur'd by the Council,—

Consented to, J. DUDLEY."

—*Ibid.*, p. 374.

The following provision was made the next year for the town of Tiverton:—

"June 17. 1709. The following Order pass'd in the House of Representatives Read & Concur'd; Viz., ORDERED that the Neighbouring Ministers be desired to preach in their Turns at Tiverton until the last of October next, Or to procure the most suitable Person they can for the Circumstances of that People, And that Twenty Shillings per Week be allowed out of the publick Treasury for that Service:—

Consented to, J. DUDLEY"

—*Ibid.*, p. 463.

Besides allowances for his services at Dunstable and in the army, Mr. Hunt had received from the General Court an allowance of £20, Feb. 11, 1709-40, and another of £15, on the 17<sup>th</sup> of the same month: again, March 18, 1711-12, he received another £20. The first was allowed to him "if he continue in the work of the ministry for the year next coming," and the second and third for past services at Dartmouth. It is quite possible these may have been the sums paid to him from the treasury as testified to by Mr. Allen before the Board of Trade, though, since no copy of the tax acts for either of the years following the votes by which those allowances were ordered, has been discovered, it is impossible to ascertain whether those sums were assessed as a part of the general province tax upon all the towns, or as a special tax upon Dartmouth alone.



Before the inhabitants of Dartmouth and Tiverton took their heroic stand against the oppressive acts of the Legislature, the Quakers had petitioned for relief from similar acts, as the following extracts will show:—

"July 21. 1720. A Petition of Joseph Wanton & Richard Borden on Behalf of the People called Quakers throughout this Province, Shewing that the said People for Years past have suffered the Distraint & Loss of their Goods for the Support of the Presbyterian or Independent Ministers and also for the Building of their Meeting Houses, and that too often with much Extortion, Double or sometimes more being taken from them than the Sum demanded, That this Suffering for Conscience Sake they apprehend to be a great Imposition & Hardship—They being Dissenters from the Church of England, And the Charter of this Province granting full Liberty of Conscience to all Dissenters, That although they have solicited this Government heretofore for Relief, have yet obtain'd none, That their Friends in England had made some Progress in their Affair and were encouraged by the Agent of this Province That the Government here would do something to make them easy, So that their Friends need proceed no further in England, Notwithstanding all which they are still under great Sufferings in many Places in this Province, And therefore Praying that this Court would take these Matters into their Consideration, and give Orders that the Persons that are now suffering under such Impositions may be discharged therefrom, for that their Consciences will not allow them to pay their Money for the Support of the said Ministers & Meetinghouses, And they being known diligently to attend the publick Worship in their own Meeting Houses every first Day of y<sup>e</sup> Week.

In Council; Read & Voted that the Hon<sup>ble</sup> Isaac Winslow, Nathaniel Payne, & Edmund Quincy Esq<sup>s</sup> be a Committee to join with such as the Hon<sup>ble</sup> House shall appoint to enquire into the Grounds & Reasons of the Complaints of the People called Quakers, And to Consider what may with Justice & due Regard to the Laws of this Province be done for their Ease, And more especially to prevent their being oppressed upon any Distress made upon their Estates, And to make Report to the General Assembly at their Fall Session."—*Council Records, vol. XI., p. 24.*

"July 23. 1720. The Petition of Joseph Wanton &c, in Behalf of the Quakers & the Order of Council appointing a Committee thereon, As Enter'd July 21, 1720: In the House of Represent<sup>ves</sup> Read & Concur'd, And ORDERED that Cpt. William Throop, Major Meletiah Bourne, Mr John Foster and Cpt. John Gardner be joined in the Affair.

Consented to, SAM<sup>ll</sup> SHUTE."

—*Ibid., p. 33.*

"June 16. 1721. In Council; Ordered that Thomas Hutchinson, Edmund Quincy and John Burrill Esq<sup>s</sup> with such as the Hon<sup>ble</sup> House shall appoint be a Committee to enquire into the Grounds & Reasons of the Complaints of the People called Quakers, And to Consider what may with Justice & a due Regard to the Laws of this Province be done for their Ease, & more especially to Prevent their being Oppressed upon a Distress made on their Estates. And to make Report to this Court:—In the House of Represent<sup>ves</sup> Read & Concur'd,

And Voted that Mr Richard Johnson, Mr William Clark, Coll. W<sup>m</sup> Dudley & Mr W<sup>m</sup> Hutchinson be joined to the Committee of the Board."—*Ibid., p. 170.*

"June 22. 1721. Thomas Hutchinson Esq<sup>r</sup> from the Committee of both Houses on the Complaint of the Quakers gave in the following Report: Viz,

The Committee appointed to consider the Quakers Petition are of Opinion That it might be for the Ease of the People called Quakers, & tend to prevent some Inconveniences arising in Case of Distresses made on their Estates for the Support of the Ministers, If the Constables or Collectors of Towns or Precincts were obliged to take as near as may be the Value of the Sum or Sums assess'd on such Quakers, And that the Distress or Distresses so taken & kept by the Space of four Days at the Charge of the Owner (the Owner not having paid the Sum or Sums so assess'd) should be carried or presented by the Constable or Collector unto the Assessors of such Town or Precinct or the Major Part of them, Who shall be obliged to apprise the same as equally & justly as may be, And the Constable or Collector shall accordingly accept it in Lien of & to satisfy for such Sum or Sums whereat such Quakers are respectively assess'd, Returning the Overplus (If any be) after the necessary Charges of Taking & Keeping the same are deducted, And if any Loss do arise to the Constable or Collector by this Acceptance of such Distress as aforesaid, The Town or Precinct shall make good the same to the Constable or Collector out of the Towns or Precincts Treasury: All which is humbly submitted by — Tho. Hutchinson in the Name of the Comm<sup>tee</sup>

In Council; Read & Accepted; In the House of Represent<sup>ves</sup> Read & Non-Concur'd."—*Ibid., p. 177.*

At the first session of the General Court, this year, Seth Pope, Samuel Willis and Samuel Pope of Dartmouth presented a petition, the purport of which (and the action of the General Court thereon) is shown by the following extract:—

"June 22. 1722. A Petition of sundry Persons being of the Church & Congregation at Acosshett Village in Dartmouth Praying this Court to appoint an annual Salary sufficient for the Maintenance of Mr Samuel Hunt their Minister to be paid to him out of the Province Treasury, For Reasons in the said Petition mentioned. In the House of Represent<sup>ves</sup> Read & Resolved that the Sum of One Hundred Pounds be allowed & paid out of the publick Treasury to Mr Samuel Hunt Minister of the Town of Dartmouth for his Support in the Ministry the Year Current, Beginning the first of June Instant, Pursuant to an Act made in the second Year of King George, Entitled An Act for the Maintenance & Propagating Religion.

In Council; Read & Concur'd:—  
—*Council Records, vol. XI., p. 326.*

Consented to, SAM<sup>ll</sup> SHUTE."

At the same time the General Court passed the following vote to provide a minister for Tiverton:—

"In the House of Represent<sup>ves</sup> Voted that there be a learned orthodox Minister of good Conversation sent to the Town of Tiverton, Pursuant to an Act made in the seventh

Year of the Reign of his present Majesty Entitled An Act for Maintaining & Propagating Religion, And that Edward Bromfield Esq<sup>r</sup> with the Rev<sup>d</sup> M<sup>r</sup> Benjamin Wadsworth, M<sup>r</sup> Benjamin Coleman & M<sup>r</sup> Joseph Sewall be a Committee to look out such an able Minister for the said Town.

In Council; Read & Concur'd:—  
—*Ibid.*

Consented to, SAM<sup>LL</sup> SHUTE."

In the mean time the Inhabitants of Dartmouth met, and chose Captain John Akin as their agent to appear at the General Court and, in their behalf, to answer and object to the above-named petition. The date of this town-meeting was June 15, and the tax act, imposing the additional sums of £100 on Dartmouth, and £72 11s. on Tiverton, for the maintenance of an orthodox minister in those towns, respectively, was passed July 3, and was published July 9.

On the 17th of August, just before the close of the second session of the General Court, the inhabitants of Dartmouth again met, and voted to assess a town rate of £81 12s. which was the amount of the proportionate tax of the town exclusive of the above charge for the support of the ministry. At the same meeting it was voted,—after reciting that the town had been over-assessed £100, and that thereupon the selectmen saw cause to call the inhabitants together to consider of some proper method of addressing themselves to the General Court for relief,—that Stephen Wilcox be chosen agent of the town for that purpose. The third session of the General Court began November 15, and on the 20th, the inhabitants of Dartmouth held another meeting, and chose Henry Tucker as agent to proceed to Boston and present a petition, in behalf of the town, praying for a remission of the £100, and, in his capacity of agent, to employ such assistance as he should think fit. For some reason which does not appear, but, probably, because of some irregularity in calling the meeting of August 17, another town meeting, "legally warned," was held November 26, at which substantially the same vote was passed respecting the assessment of taxes for this year, as was passed at the previous meeting, and also the following; viz.,—

"Thirdly, Voted whether the charges arising or set on the selectmen of said Dartmouth either by execution of their bodies or estate or in appealing to his Majesty for relief be raised by town rate? and it was voted to be by town rate."

They further voted to raise £700 by a town rate to indemnify the selectmen for any loss by reason of their not complying with the act, and also made them each an allowance of — shillings per day (the MS. is partly obliterated) "for every day they lay in jail on the town's account." Other votes, which are not legible, were passed relating to the expenses of sending to England.

Subsequently we find the following record of proceedings by the Council:—

"Decem<sup>r</sup> 26, 1722. A Petition of the Inhabitants of Dartmouth Praying That the extraordinary Sum sett & assess'd on them in the Province Tax (W<sup>ch</sup> they suppose to be for the Maintenance of a Minister,) may be taken off, And that the Treasurer may be directed to give them a full Discharge of their Province Tax, upon their Paying the Sum which was sett on them the last Year, W<sup>ch</sup> they are now ready & willing to do.

In Council; Read & Sent down Recommended."—*Council Records*, vol. XI., p. 430.

Here the matter seems to have rested until the next year. At a town-meeting March 28, 1723, the inhabitants of Dartmouth, by a vote of 55 to 12, chose Nathaniel Howland (who was a Quaker) as their minister.

The first session of the General Court, in 1723, began May 29, and was prorogued July 2. Late in the session we find the following proceedings by the respective branches of the Assembly. From these it is evident that the petition presented at the former session, which had not been definitively acted upon, had again been brought to the notice of the Legislature, since the tax act of 1723 had not been passed:—

"June 26, 1723. In Council; ORDERED that a Message be sent down to the Hon<sup>ble</sup> House of Represent<sup>es</sup> That the Board having consider'd the sev<sup>l</sup> Laws of the Province referring to the Settlem<sup>t</sup> & Support of Ministers in the sev<sup>l</sup> Towns within this Province, Observe that the Laws made in the fourth & fifth Years of King William & Queen Mary direct How Ministers are to be chosen; Viz, Either by the Church & Town, Or in Case they be negligent, Then the Sessions of the Peace to provide & settle an orthodox Minister &c. Now the Town of Tiverton have no Minister settled among them either by the Town or by the Quarter Sessions of the County: As to the Act for Maintaining & Propagating Religion Pass'd in the second Year of his present Majesty, It seems plain by the Tenour of the s<sup>d</sup> Act That the Sessions of the Peace are first vigorously to put the Laws referring to the Settlem<sup>t</sup> & Maintenance of Ministers in Execution themselves, And if after they have so done, Their Orders are eluded by the Practice of ill Men &c. Then & in that Case they are to represent to the General Assembly in Order to have a Minister settled & provided; But it does not appear That the Sessions of the Peace for the County of Bristol ever appointed & sent a Minister to Tiverton as the Law directs; And until that Step be taken, It does not seem agreeable to the Law That the General Assembly sh<sup>d</sup> appoint a Minister in the Manner they have done.

As to the Town of Dartmouth, The Board cannot find that the Rev<sup>d</sup> M<sup>r</sup> Hunt (Minister there,) ever made any Contract with the Town as to his Maintenance, And the General Sessions of the Peace for the County of Bristol have not made any Order on the s<sup>d</sup> Town for his Support & Maintenance, Nor could they by Law, until the s<sup>d</sup> Minister had made a Complaint, W<sup>ch</sup> the Board do not find he ever did;—And therefore they can not think it right & proper That the s<sup>d</sup> Towns of Dartmouth & Tiverton should be assess'd in the present Tax Bill any thing more than the Sums w<sup>ch</sup> are their just Proportion to the publick Tax with the other Towns of the Province.

In the House of Represent<sup>es</sup> Ordered that M<sup>r</sup> Cook, M<sup>r</sup> Remington, M<sup>r</sup> Stoddard, M<sup>r</sup> Quincy & M<sup>r</sup> Throop be a Committee to Confer with such as the Hon<sup>ble</sup> Board shall appoint upon the Matter in Dispute between the Houses respecting the Tax Bill, To meet as soon as may be.

In Council; Read & Concur'd, & Ordered that John Cushing Addington Davenport & Thomas Fitch Esq<sup>rs</sup> be a Committee of this Board for the s<sup>d</sup> Conference."—*Council Records*, vol. XI., p. 517.

June 28, 1723. "In the House of Representatives It appearing to this Court that the Town of Dartmouth neglect & refuse to maintain an able learned orthodox Minister,

RESOLVED that the Salary or Allowance for an able learned and orthodox Minister for the Town of Dartmouth be One Hundred Pounds to be paid out of y<sup>e</sup> publick Treasury, W<sup>ch</sup> said Sum of One Hundred Pounds is to be Added to the Proportion of the s<sup>d</sup> Town of Dartmouth in their Province Tax for this present Year.

And it is Recommended to the Justices of the County of Bristol at their next Gen<sup>l</sup> Sessions of the Peace to put the Laws of the Province Referring to the Supporting of Ministers in Execution on the s<sup>d</sup> Town of Dartmouth for not Ordering & Appointing a sufficient & suitable Salary for an able learned & orthodox Minister, W<sup>ch</sup> if duly submitted to the s<sup>d</sup> Town to be reimbursed either the Whole or such Proportion as they pay, Pursuant to the Order of the s<sup>d</sup> Justices.

In Council, Read & Concur'd:—

Consented to, WM DUMMER."

—*Ibid.*, p. 521.

"In the House of Representatives It appearing to this Court that the Town of Tiverton neglect & refuse to settle & maintain an able learned & orthodox Minister,

Resolved that an Able, learned & orthodox Minister be provided by Order of this Court for the s<sup>d</sup> Town of Tiverton for the Year ensuing to be Recommended as the Law directs, And that his Allowance or Salary be Seventy two Pounds eleven Shillings, to be paid out of the publick Treasury, W<sup>ch</sup> said Sum of Seventy two Pounds eleven Shillings shall be Added to the Proportion of the said Town of Tiverton in their Province Tax for the present Year;

And it is Recommended to the Justices of the County of Bristol at their next Gen<sup>l</sup> Sessions of the Peace to put the Laws of this Province, Referring to the Providing & Supporting of Ministers in Execution upon the s<sup>d</sup> Town of Tiverton by Appointing an able learned & orthodox Minister & Ordering a sufficient & suitable Salary for him; W<sup>ch</sup> if duly submitted to the s<sup>d</sup> Town to be reimbursed the Whole or such Proportion as they pay Pursuant to the Order of the s<sup>d</sup> Justices.

In Council; Read & Concur'd:—

Consented to, WM DUMMER."

—*Ibid.*

On the next day, and the same day upon which the tax act of 1723 was passed, the following entry was made in the records of the Council, by which it appears that the court of sessions had been busy in enforcing the "Act for maintaining and propagating religion" (1715–16, chap. 17) both in the case of Dartmouth and of Tiverton:—

"June 29, 1723. "A Petition of the Inhabitants of the Town of Dartmouth Setting forth that the Assessors of the s<sup>d</sup> Town are Imprison'd for Not Assessing the Sum of One Hundred Pounds Added the last Year to their usual Tax (as they suppose) for the Maintenance of M<sup>r</sup> Samuel Hunt (a Minister living in the s<sup>d</sup> Town,) And Praying that the s<sup>d</sup> Assessors may be released & discharged from their Imprisonment upon their Paying into the publick Treasury the Sum of Eighty one Pounds & twelve Shillings their usual Tax.

In Council; Read & Voted that a Hearing be had upon this Petition before this Court on the second Fryday of the Fall Sessions, And that in the mean Time John Akins & Philip Tabor Assessors for the Town of Dartmouth be released from their Imprisonment They recognizing before some one of his Majesties Justices of the Peace for the County of Bristol to attend at the s<sup>d</sup> Hearing & to abide & perform the final Resolve of this Court on this Petition, or Surrender themselves back to the Sheriff of the County of Bristol.

In the House of Representatives Read & Non Concur'd."—*Council Records*, vol. XI., p. 524.

"A Petition of the Inhabitants of the Town of Tiverton Setting forth that the Assessors of the s<sup>d</sup> Town are imprison'd for not Assessing the Sum of Seventy two Pounds eleven Shillings added the last Year to their usual Tax (As they suppose) for the Maintenance of a Minister, And Praying that the said Assessors may be released & discharged from their Imprisonment upon their Paying into the publick Treasury the Sum of Twenty seven Pounds nine Shillings, their usual Tax, W<sup>ch</sup> they are now ready to do.

In Council; Read & Voted that a Hearing be had upon this Petition on the second Fryday of the Fall Session, And that in the mean Time Joseph Anthony & John Scisson Assessors for the Town of Tiverton be released from their Imprisonment They recognizing before some one of His Majties Justices of the Peace for the County of Bristol, to attend at the s<sup>d</sup> Hearing & to abide & perform the final Resolve of this Court on this Petition or surrender themselves back to the Sheriff of the County of Bristol.

In the House of Representatives Read & Non Concur'd."—*Ibid.*

From the petition to the Privy Council of Thomas Richardson and Richard Partridge on behalf of the imprisoned assessors (which is given at length in Gough's *History of the People called Quakers*, vol. 4, pp. 218–226,) it appears that Joseph Anthony and John Sisson were appointed assessors for Tiverton, and John Akin and Philip Tabor for Dartmouth, to assess the tax of 1722, and that they were committed to jail for non-compliance with the law, May 25, 1723, where they continued prisoners until released by the Royal mandate.

The petitioners also alleged that they had made repeated application to the provincial government for redress, "the Assembly always opposing what the Governor & Council were at any time disposed to do on that behalf."

The following are the proceedings of the Home Government upon the petition above-mentioned:—

"At the Council Chamber Whitehall the 24<sup>th</sup> October 1723.

By a Committee of the Lords of His Majesty's most Hon<sup>ble</sup> Privy Council for Hearing Appeals, Complaints &c<sup>a</sup> from the Plantations.

Their Excellencies the Lords Justices in Council, having been pleased to refer to the consideration of this Committee a petition of Thomas Richardson and Richard Partridge praying y<sup>e</sup> release of some Quakers who are imprisoned in the Massachusetts Bay in New England, for not having assessed the Towns of Tiverton and Dartmouth towards payment of some encreased taxes, which by two laws made in Massachusetts Bay in y<sup>e</sup> Years 1722 & 1723 are ordered to be raised, with the common Taxes for the said Towns;—The

Lords of the Committee this day took the same into consideration, and finding that the said Acts have not yet been laid before the Lords Justices, are hereby pleased to order, that the Lords Commrs of Trade and Plantations do forthwith consider the said Acts and lay the same before their Excellencies in Council, with such Representation thereupon, as they shall think proper:

TEMPLE STANYAN."

(Indorsed) "Rec<sup>d</sup> Nov<sup>r</sup> 12<sup>th</sup> Read D<sup>o</sup> 14<sup>th</sup> 1723"

—"N. E. Board of Trade," vol. 13, X., 117; in *Pub. Rec. Office*.

"WHITEHALL, Thursday 14<sup>th</sup>, Nov<sup>r</sup> 1723

An Order of the Committee of Council of the 24<sup>th</sup> of the last Month on the petition of Mr Richardson & Mr Partridge praying release of some Quakers imprison'd for not collecting a tax assess'd by two Acts of the Massachusetts Bay in New England, pass'd in 1722 & 1723, directing the Board to report on the said Acts, was read; And the Secy. acquainting their Lordships that the Act mention'd in the said Order to be pass'd in 1723 was not yet received, Ordered that the Act pass'd in 1722, be sent to Mr West for his opinion thereupon in point of Law.

Order'd that Mr Partridge be acquainted that the Board desire to speak with him on Wednesday next.

(signed) P. DOENINQUE"

—"Pub. Rec. Office; "Trade papers (Journals)," vol. 27, p. 211.

"To Richard West Esq<sup>r</sup>"

Sir, My Lords Commissioners for Trade and Plantations command me to send you enclos'd an Act pass'd in the Massachusetts Bay in 1722 entitled *An Act for apportioning & assessing a tax of six thousand two hundred thirty two pounds thirteen shillings & eleven pence* and thereupon to desire your opinion in point of law, as soon as may be, Their Lordships having received orders immediately to make their Report to the Lords Justices thereupon.

I am, Your most humble Servant

A. POPPLE."

WHITEHALL, November 14<sup>th</sup> 1723

—"N. E., Board of Trade," vol. 38, p. 391, in *Pub. Rec. Office*.

"WHITEHALL, Wednesday 20<sup>th</sup> Nov<sup>r</sup> 1723

An Order of the Committee of Council on the petition of Mr Richardson and Partridge, praying release of some Quakers imprison'd for not collecting a Tax assess'd by two Acts of the Massachusetts in 1722 & 1723, directing the Board to report their opinion on the said Acts mention'd in the Minutes of the 14<sup>th</sup> Inst. was again read; And Mr Richardson, Mr Partridge and Mr Sharpe attending, as they had been desir'd in relation to the said two Acts, Their Lordships acquainted them that the Act pass'd in 1723 had not yet been sent over from New England, and that they had sent the Act pass'd in 1722 to Mr West for his opinion thereupon in point of Law; Their Lordships further acquainted them, that when Mr West shall have made his Report upon the said Act, they should have a day appointed them in order to hear what they might have to offer against the said Act.

(signed)

M. BLADEN"

—"Pub. Rec. Office; "Trade papers (Journals)," vol. 27, p. 218.

"WHITEHALL, Thursday 12<sup>th</sup> Dec<sup>r</sup> 1723

At a Meeting &c

Order'd that Mr Partridge, Mr Richardson & other Agents for New England, be acquainted that the Board have resolved to take into consideration on Thursday morning next, the Act pass'd in the said Province in 1722 Entitul'd an Act for apportioning and assessing a Tax of Six thousand two hundred and thirty two pounds thirteen shillings and eleven pence

(signed)

R. PLUMER"

—"Ibid., p. 240.

"Report on an Act of Massachusetts Bay passed in 1722.

To the Right Honourable the Lords Commissioners of Trade & Plantations.

My Lords, In obedience to your Lordships commands I have perused and considered an Act pass'd in the Province of Massachusetts Bay, Entitul'd an Act for apportioning and assessing a Tax of six thousand two hundred thirty two pounds thirteen shillings and elevenpence.

Upon occasion of this Act I have been attended on the behalfe of the Quakers in that Province complaining that the use made of this Act was such That it destroy'd the liberty of conscience to which they were entituled by the Charter of the Province and that consequently this Act ought not to be confirmed. How far the particulars by which they undertake to verify their complaint are just or not your Lordships will determine. But upon considering what was urg'd to me by the Agents for the Quakers on the one part and what was replied by Mr Sanderson who acts as Agent for the Province on the other part I thought the whole of the complaint was not within the intention of your Lordships reference to me, As no circumstance of what they alledged did in any manner appear upon the face of the Act it self And that therefore my duty in obedience to your Lordships commands was only to certify that upon consideration of the Act as it stands simply upon the Record I have no objection in point of law to its being confirmed.

All which I humbly certify to your Lordships And am

My Lords Your Lordships most obedient and most humble serv<sup>t</sup>

RICH WEST

10<sup>th</sup> Dec<sup>r</sup> 1723.

(Indorsed) Read 10<sup>th</sup> Dec<sup>r</sup> 1723. Read 19<sup>th</sup> D<sup>o</sup>."

—"N. E., Board of Trade," vol. 14, F. 2, in *Pub. Rec. Office*.

"WHITEHALL, Thursday 19<sup>th</sup> Dec<sup>r</sup> 1723.

At a Meeting of His Maj<sup>ty</sup>s Commrs for Trade and Plantations. Present Mr Chetwynd, Mr Doeninique, Mr Pelham, Mr Bladen, Mr Ashe, Mr Plummer

MASSACHUSETTS  
Hearing upon Complaint of Quakers for being compelled to pay for y<sup>e</sup> maintenance of Presbyterian Ministers.

Their Lordships taking into consideration (according to appoint<sup>mt</sup> the 12<sup>th</sup> inst.) an Act pass'd in the Province of the Massachusetts Bay in 1722 Intitul'd *An Act for apportioning and assessing a Tax of Six thousand two hundred & thirty two pounds thirteen shillings and elevenpence*.



And Mr Richardson and Mr Partridge who complain'd in behalf of sev<sup>l</sup> Quakers against the said Act attending with Mr Sharpe their Sol<sup>r</sup> and others; As also Mr Sandford and Mr Sanderson Agents for the Assembly of the said Province attending likewise with Mr Bampfild their Sol<sup>r</sup>, Mr Sharpe in behalf of his Clients represented to the Board, That he hop'd to satisfy their Lordships by comparing the said Act with another pass'd there in the Year 1721 Intituled *An Act for apportioning and assessing a tax of Six thousand pounds upon Polls & Estates*, and with other Acts, as likewise some Votes of the Assembly of the Massachusetts Bay there had been an unreasonable addition made to the proportions of the said Tax for the Towns of Dartmouth & Tiverton in that Province, not warranted by the Charter granted in the 3<sup>rd</sup> year of the Reign of their late Majesties King William and Queen Mary, which charter is the foundation of that Government And he submitted whether the said Act was not on that account void in itself, part of the said Acts being read it appeared that the Proportion

For Dartmouth in 1721 was	.	.	.	.	.	.	.	.	.	£81 12s. 0d.
in 1722	.	.	.	.	.	.	.	.	.	181 12 0
For Tiverton in 1721	.	.	.	.	.	.	.	.	.	27 9 0
in 1722	.	.	.	.	.	.	.	.	.	100 0 0

Whereupon Mr Sharpe observ'd that altho' it be mention'd in the said Act of 1722 only as the Provincial Tax, And the Assembly seem'd sensible they cou'd not otherwise do it by their Charter yet by comparing the Acts above mention'd with another Act pass'd in 1715 Intituled *An Act for maintaining & propagating of religion* and the Votes of Assembly of the 20<sup>th</sup> of June 1722, it was manifest the said addition to Dartmouth was for the use of an Orthodox Minister, as the Acts stile them, where the far greater part of the Inhabitants were Quakers, there not being above three or four Presbyterian families.

That by a Clause of the said Charter, It is expressly granted, establish'd & ordain'd that forever thereafter there should be a liberty of conscience allow'd in the worship of God to all Christians, except Papists inhabiting or which should inhabit or be resident within the said Province, And that it is recited in the said Charter, That the Adventurers free profession of the Christian Faith was the principal end of the said Plantation—That by another part of the Charter their power of making Laws is restrain'd to such as are wholesome and reasonable and not repugnant or contrary to the laws of England; And the power of raising money is by proportionable and reasonable assessments, Rates & Taxes upon the Estates & persons of the Proprietors and Inhabitants to be issued for the service of the Crown in the necessary Defence and Support of the Govern<sup>t</sup> of the said Province, and the protection & preservation of the Inhabitants there—That all Protestant Subjects were to be religiously, peaceably & civilly govern'd, protected and defended—That many persons of different persuasions having settled the said Province of the Massachusetts Bay, the Presbyterians being the most numerous, have endeavour'd to elude the Intent of the said Charter, which equally grants a liberty of Conscience to other Protestants as well as themselves.

In proof of which he referred to several Acts of the Massachusetts Bay particularly one pass'd there in 1692 entituled *An Act for the settlement and support of Ministers and School-masters* whereby an able learned and orthodox Minister chosen by the major part of the inhabitants of any town, tho' the rest should differ from them in their religious opinions, was to be maintain'd by the whole town. But Mr Sharpe observ'd, that the Assembly on further consideration of the last mentioned Act, thought fit in a subsequent Session to repeal that part relating to the election of a Minister by the majority of the Town, and allow'd each Church to chose their Minister, And as an instance of the particular ill usage which the Presbyterians in the Massachusetts Bay have given the Quakers there, he read the preamble of an Act pass'd in the said Province in the first year of her late Majesty's reign, intituled *An Act more effectually providing for the support of Ministers*, wherein the Quakers and others are stil'd *irreligious persons averse and opposite to the public worship of God*, That in the year 1715 the Assembly by the foremention'd Act for maintaining and propagating of religion, have contrary to the liberty of conscience granted by the Charter, assum'd to themselves the nomination of Orthodox Ministers where they shall find them wanted & to provide for their support as they may judge sufficient, by adding to the proportion towards the public taxes of the Town or District destitute of such Minister; That pursuant to this last mentioned Act the Assembly came to a Resolution the 20<sup>th</sup> of June 1722, That the sum of one hundred pounds be allow'd & paid out of the public Treasury to Mr Sam<sup>l</sup> Hunt, Minister of the town of Dartmouth, for his support in the Ministry the year cur<sup>t</sup>, against which there had been a petition to the Assembly & rejected, and the Town remonstrated that the said Mr Hunt was not of the persuasion of the Majority; and on the 28<sup>th</sup> of June 1723, the said Assembly further resolved as follows, Viz<sup>t</sup>

'That the Salary or allowance of an able learned & Orthodox Minister for the Town of Dartmouth be one hundred pounds to be paid out of the public Treasury, which said sum of One hundred pounds shall be added to the proportion of the said town of Dartmouth in their Province Tax for the present year' \* \* \* 'And that an able learned Orthodox Minister be provided by order of this Court for the said Town of Tiverton for the year ensuing, and that his allowance or salary be seventy-two pounds eleven shillings to be paid out of the public Treasury Which said sum of £72. 11. 6 shall be added to the proportion of the said Town of Tiverton in their Province Tax for the present year' In proof of which Mr Sharpe produced & read those parts of the printed Votes of Assembly.

He further observ'd that the Assessors for these Towns, who were Quakers, had been chosen before the said Act of 1722 (being one of those complain'd of) was in force And when they understood by some of the forementioned votes the use for which their additional proportion of Tax was to be apply'd, they cou'd not in conscience comply in levying or assessing the whole sum prescrib'd by the Act, but rais'd their former proportion only; Whereupon the said Assessors were imprison'd; And notwithstanding that upon the petitions of the respective Agents for Tiverton & Dartmouth for the enlargement of the late Assessors of those Towns, the Council had agreed thereto upon the said Assessors entering into proper Recognizances; Yet the Assembly disagreed thereto, as appear'd by the printed



Votes of the said Assembly of the 29<sup>th</sup> of June 1723 Upon the whole M<sup>r</sup> Sharpe concluded that tho' the said Act of 1722 was temporary, the same was an Annual Act, intended to be so, and had been re-enacted this present Year—That the raising of Money for the maintenance of Ministers in the manner they had done, cou'd not, as he conceived, be construed *proportionable & reasonable or for the necessary Defence and support of the Government or the protection & preservation of the Inhabitants* Which are the only purposes for which by their Charter, the Government of the said Province is allow'd to raise Money.—That he hoped their Lordships wou'd please to lay these Acts before His Majesty for disallowance, and all such as shou'd be inconsistent with the Charter of the Massachusetts Bay and to the liberty of conscience thereby so fully granted to the Inhabitants of that Province.

M<sup>r</sup> Bampfild on the other side acquainted their Lordships, that he had been but lately and not fully instructed in this affair, and shou'd therefore be glad there might be an opportunity of Hearing from New England before their Lordships came to any determination in this matter and that several ships were daily expected; But in the meantime he observ'd to the Board that the Act complain'd of had had the Assent of His Majesty's Governor & the Council of the Massachusetts Bay, & that therefore the Assembly were not solely blamable if anything therein shou'd be judg'd improper for the Royal Confirmation—That the Act abovemention'd does not increase the proportion of Taxes for Dartmouth and Tiverton only but that there are fifteen or sixteen other Towns in the Province augmented in their Proportions of which he particulariz'd *Wrentham, Needham, Stow & several others*; And that the legislature might have reasons which do not at present appear for so doing—That according to his Instructions M<sup>r</sup> Hunt Minister of the Town of Dartmouth had for several years before an allowance of forty pounds out of the public Treasury of the Massachusetts Province, and to prove the same he appeal'd to M<sup>r</sup> Allen the Treasurer's Son, here present Upon which M<sup>r</sup> Bampfild took notice that tho' one hundred pounds were recommended for M<sup>r</sup> Hunt by the Assembly, yet as he had forty pounds allow'd him before, he cou'd not have an hundred pounds addition, as was alledged, And that addition cou'd not particularly affect Dartmouth, in as much as it was voted out of the publick stock, and that the proportions of several other Towns were advanc'd—M<sup>r</sup> Sandford and M<sup>r</sup> Sanderson likewise represented to their Lordships, that if Assessors shall be allowed to act contrary to an express law, it might introduce great confusion & inconveniences in the Administration of the Government; That the Act of 1722 was for apportioning the sum of £232 more than the said Act of 1721, which was doubtless one reason for the augmenting the proportions of Taxes for several of the said Towns and Tiverton and Dartmouth among the rest; And if time were allow'd they hop'd to receive full and satisfactory reasons for the Assembly of the Massachusetts Bay for their passing the said Acts.

M<sup>r</sup> Sharpe in reply represented that the variation of the proportion of taxes to divers towns in this Province, arose as M<sup>r</sup> Partridge likewise alledged, from their being newly settled and increasing in numbers of inhabitants, but that the said Towns of Tiverton & Dartmouth had not remarkably increas'd in people—And M<sup>r</sup> Allen the Treasurer's son being ask'd what he knew of the allowance formerly made to M<sup>r</sup> Hunt of Dartmouth he said that he remember'd the payment of one forty Pounds to the said M<sup>r</sup> Hunt but cou'd not certainly recollect out of what fund or for what services the same was paid.

M<sup>r</sup> Sharpe concluded that he hop'd it plainly appear'd to the Board from the Votes of the Assembly above cited, compar'd with the Acts complain'd of, that the Assembly of the Massachusetts Bay had contrary to the liberty of conscience granted by their Charter impos'd Taxes for maintaining Ministers who differ from them in opinion, And that the said Acts might not be approved of by His Majesty.

These Gentlemen being withdrawn Directions were given for preparing the Draught of a Representation upon the Order in Council of the 24<sup>th</sup> Oct<sup>r</sup> 1723 (read the 14<sup>th</sup> of last month) on the petition of the said Richardson & Partridge upon the subject abovementioned. \* \* \*

(signed)

R. PLUMER "

—Pub. Rec. Office: "*Trade-Papers (Journals)*," vol. 27, p. 248.

"WHITEHALL. Friday 20<sup>th</sup> Dec<sup>r</sup> 1723.

\* \* \* \* \*

A Representation order'd yesterday to be prepar'd upon the Order in Council of 24<sup>th</sup> Oct<sup>r</sup> 1723 on the petition of M<sup>r</sup> Richardson & M<sup>r</sup> Partridge relating to some Quakers in the Massachusetts Bay, being imprison'd for not having assess'd the towns of Tiverton and Dartmouth towards payment of some increas'd Taxes there, was agreed, transcrib'd and sign'd." \* \* \* —*Ibid.*, p. 262.

"To their Excellencies the Lords Justices

May it please Your Excellencies. In obedience to an Order from the Lords of the Committee of Council of 24<sup>th</sup> October last, upon the petition of Thos. Richardson and Richard Partridge, praying the release of some Quakers who are imprison'd in the Massachusetts Bay for not having assess'd the Towns of Tiverton and Dartmouth toward payment of some increas'd Taxes which by two Laws made in the Massachusetts Bay in 1722 & 1723, are order'd to be rais'd with the common Taxes for the said Towns, We have taken into our consideration the former of the said Acts, Entituled *An Act for apportioning and assessing a tax of £6232: 13: 11*. And we should likewise have consider'd the other, said to be pass'd in the same Province in 1723, for the like purpose, but the same is not yet come to our hands.

We have upon this occasion been attended by Rich<sup>d</sup> Partridge and Thos. Richardson, who complain against said Acts in behalf of the Quakers, as likewise by their Agents in defence thereof; Upon which we take leave to represent to Your Excellencies:

That the persons complaining against these Acts, endeavour'd to prove that the increase of the Taxes for the Towns of Dartmouth and Tiverton in 1722, exceeding the preceding year in £100 for Dartmouth & £72. 11. 0 for Tiverton were raised for the support of Pres-

byterian Ministers in these Towns, And in proof this have offered that the like sums were by the Votes of Assembly of the 20<sup>th</sup> of June 1722 desired to be issued for the Ministers of those Towns respectively, but it does not appear upon the face of the Act, that these sums were raised particularly for the maintenance of such Ministers : And altho' it be true that the sums voted for these Ministers do tally exactly with the additional Tax laid upon these two towns respectively for the same year, yet it does not from thence absolutely follow that the increase of Tax on those two Towns was raised for that particular only, because there is an increase of Tax by this Act upon several other smaller towns within that Province, and therefore altho' the presumption be strong, the proof is not conclusive, and as the people of the Massachusetts Bay are by their Charter impowered to raise Taxes for the support of their Government, and as the Preamble of this Act is agreeable to that power, We have nothing to object to the said Act; But We beg leave to observe to Your Excellencies, that altho' We have not the Act of 1723 before us, yet it does appear by the Votes of that Session that the Assembly resolved 'that the Salary or Allowance of an able learned and orthodox Minister for the Town of Dartmouth, be one hundred pounds, to be paid out of the publick Treasury, which said sum of one hundred pounds shall be added to the proportion of the said Town of Dartmouth in their Province-Tax for the present Year,' and it also appears by the said Votes, that it was resolved, That an able, learned and orthodox Minister be provided by Order of this Court for the said Town of Tiverton for the Year ensuing, and that his allowance of Salary be seventy two pounds eleven shillings, to be paid out of the publick Treasury, which said sum of £72: 11s: 0d shall be added to the proportion of the said Town of Tiverton in their Province-Tax for the present Year.

Upon which occasion We think it our duty to represent to Your Excell<sup>ies</sup> that by the Charter granted to the Massachusetts Bay, the foundation of this Colony was laid in an absolute & free liberty of conscience for all Christian Inhabitants there, except Papists, But the *Presbyterians* having absolutely the ascendant in the Assembly of this Province, have assum'd to themselves the authority of an established Church, and would compel the Quakers even in the Towns of Dartmouth and Tiverton, where they are infinitely the majority, to pay a large maintenance to Presbyterian Ministers, whom they call Orthodox, for the service of some few Presbyterian Families only.

All of which is most humbly submitted

M. BLADEN  
EDWD ASHE  
P. DOUMINIQUE  
T. PELHAM

WHITEHALL Decem<sup>r</sup> 20<sup>th</sup> 1723."

—*"N. E., Board of Trade," vol. 38, p. 393.*

"At the Court at St. James' the 14<sup>th</sup> day of Janry 1723(-4) Present The King's most Excellent Majesty in Council

Upon reading this day at the Board a Representation from the Lords Comm<sup>rs</sup> of Trade and Plantations dated the 20<sup>th</sup> of last Month upon an Act past in Massachusetts Bay Intitl'd 'An Act for apportioning and assessing a Tax of Six thousand two hundred thirty two pounds thirteen shillings and eleven pence': It is ordered by His Majesty in Council that the said Representation & Act be and they are hereby refer'd to a Committee of the Lords of His Majesty's most Hon<sup>ble</sup> Privy Council to consider the same and report to His Majesty at this Board what they conceive proper to be done thereupon.

A true Copy

TEMPLE STANYAN.

(Indorsed.) Rec<sup>d</sup> 29<sup>th</sup> Feb<sup>r</sup> 1723-4. Read 1<sup>st</sup> April 1724."

—*Ibid., vol. 14, Y., 5.*

"Memorial of Mr Partridge.

May it please the Lords Commiss<sup>rs</sup>  
Understanding that the other Law relating to the Provincial Tax for y<sup>e</sup> year 1723 is come over from the Massach: in New England, which affects our Friends the present sufferers in that Govern<sup>mt</sup> whose cause before the Lords Committee of Council is not like to be heard 'till that Law be also lodg'd at the Council Office, Wherefore I humbly pray you would please to direct that the said Law be sent up accordingly—

I am Your Friend RICH<sup>d</sup> PARTRIDGE in behalf of the Sufferers y<sup>e</sup> Petition<sup>rs</sup>

2<sup>mo</sup> (or April) y<sup>e</sup> 30<sup>th</sup> 1724."

—*Ibid., Y., 7.*

"WHITEHALL, Thursday 30<sup>th</sup> April 1724

\* \* \* \* \*

Mr Partridge attending with Mr Sharpe his Sol<sup>r</sup> presented to the Board a Memorial in behalf of some Quakers who are in prison in the Massachusetts Bay, for not assessing the Tax levied by an Act pass'd there in 1722, Entituled an Act for apportioning and assessing a Tax of Six thousand two hundred thirty two pounds thirteen shillings eleven pence and praying that their Lordships would please to report upon the Act lately come over for the same purpose, Which Memorial was read; And Mr Sharpe acquainted their Lordships that the Lord Chief Justice King was of opinion when this affair was last heard at the Council, That the Quakers now in prison cou'd not be releas'd, but by the repeal of the Act, for breach of which they had been committed; That supposing the Act was repeal'd the Taxes already levied wou'd be as good and valid as if the Act were confirm'd, And that the Taxes not already paid, in case the Act be repealed cou'd not in that Case be legally collected. These Gentlemen being withdrawn:

Order'd that the Draught of a Representation be prepar'd for repealing the foremen-tioned Act pass'd in 1723." \* \* \* \* \*

—*"Trade-papers (Jour-nals)" in Pub. Rec. Office, vol. 28, p. 108.*

"To the King's most Excellent Majesty

May it please Your Majesty In obedience to an Order in Council from the late Lords Jusices during Your Majesty's absence abroad, bearing date the 24<sup>th</sup> day of October last, We did make a Representation upon an Act passed in the Province of the Massachusetts

Bay in New England in 1722, Entitled *An Act for apportioning & assessing a Tax of* £6232. 13s. 11d. since which time another Act mentioned in the said Order of Reference passed the 29<sup>th</sup> day of May 1723, Entitled *An Act for apportioning & assessing a Tax of* £6205. 15s. 7d. is come to our hands By which Act a tax is laid in express terms upon the Inhabitants of Dartmouth and Tiverton for the support of a Presbyterian whom they call an orthodox Minister which falls almost entirely upon the Quakers, there being very few Inhabitants of any other persuasion in those two Towns; But as by the Charter granted to this Province a free and absolute liberty of conscience to all Christians, except Papists, was intended to have been their foundation and support; And as by the several laws passed there it seems to have been laid down as a just and equitable rule that the majority of each Town or Congregation should have the choice of their own Teacher, We cannot see why the Quakers should be refused this liberty in towns where they are so great a majority & be obliged to maintain a teacher of a different persuasion. Wherefore we humbly propose to Your Majesty that this Act may be repealed.

Which is most humbly submitted

WESTMORELAND.  
T. PILLHAM.  
M. BLADEN.  
E. ASHE.

WHITEHALL May 6<sup>th</sup> 1724."

—"N. E. Board of Trade," vol. 38, p. 400, in *Pub. Rec. Office*.

"Order in Council on an Act passed in Massachusetts Bay 29 May 1723.

At the Court at St. James's the 12<sup>th</sup> day of May 1724 Present the King's most Excellent Majesty in Council

Upon reading this day at the Board a Representation from the Lords Commissrs of Trade and Plantations dated the 6<sup>th</sup> of this Instant, for his Majesty's Repeale of an Act past in Massachusetts Bay the 29<sup>th</sup> day of May 1723 Intitled 'An Act for apportioning and assessing a Tax of Six thousand two hundred and five Pounds fifteen shillings Seven Pence half-penny' It is Ordered by his Majesty in Council, that the said Representation and Act be and they are hereby referred to a Committee of the Lords of his Majesty's most Hon<sup>ble</sup> Privy Council (to whom a like Act past in that Colony in 1722 stands referred) to consider the same, And report their opinion thereupon to his Majesty at this Board.

A true Copy

(sign'd) ROBERT HALES.

(Indorsed) Received June 2<sup>d</sup> Read July 22<sup>d</sup> 1724."

—*Ibid.*, vol. 14, F., 9.

"At the Court at St. James's the 2<sup>d</sup> day of June 1724 Present the King's most Excellent Majesty, His Royal Highness the Prince of Wales, Archbishop of Canterbury, Lord Chancellor, Lord President, Lord Privy Seal, Lord Carteret, Mr. Vice Chamberlain, William Pulteney Esq<sup>r</sup>, Lord Chamberlain, Duke of Roxburgh, Duke of New Castle, Earl of Westmoreland, Lord Viscount Townsend, Lord Viscount Torrington, Mr. Speaker of the House of Commons.

Upon reading this day at the Board a report from the Right Hon<sup>ble</sup> the Lords of the Committee of Council upon the petition of Thomas Richardson and Richard Partridge, on behalf of Joseph Anthony, John Sisson, John Atkin and Philip Tabor, Prisoners in the Common Goal at New Bristoll, in his Majesty's Province of the Massachusetts Bay in New England, for not assessing the Inhabitants of the Town of Dartmouth and Tiverton, the additional Taxes of £100 and £72: 11s: 0<sup>d</sup> imposed upon them by an Act passed there in the Year 1722, which appears to be for the maintenance of Presbyterian Ministers, who are not of their persuasion—And also in behalf of their Friends called Quakers in general, who are frequently under great suffering for conscience sake in that Government, By which Report it appears, their Lord<sup>ships</sup> are of opinion, that it may be advisable for His Majesty to remitt the said additional Taxes so imposed on the said two Towns, and to discharge the said persons from Gaol: His Majesty in Council, taking the said Report into consideration, is graciously pleased to approve thereof and hereby to remitt the said Additional Taxes of £100 and £72: 11s: 0<sup>d</sup> which were, by the said Act to have been assessed on the said Towns of Dartmouth and Tiverton And his Majesty is hereby further pleased to order, that the said Joseph Anthony, John Sisson, John Atkin and Philip Tabor be immediately released from their imprisonment on account thereof—Of which the Governor, Lieutenant Governor or Commander in Chief for the time being of his Majesty's said Province of Massachusetts Bay, and all others whom it may concern, are to take notice and yield due obedience hereunto.

A true Copy

(signed) TEMPLE STANTAN.

(Indorsed) Reced 9<sup>th</sup> June Read 22<sup>d</sup> July 1724 "

—*Ibid.*, F., 10.

Chap. 11. "Novem<sup>r</sup> 27. 1723. In the House of Represent<sup>es</sup> Whereas at a great & General Court or Assembly Held at Boston upon the seventh Day of August last An Act for Preventing Abuses in Distilling Rum &c was made and pass'd & sundry Persons appointed Assay Masters for that Service Who have viewed & examined several Still Heads, & Worms & find many of them made of base Metall wh<sup>ch</sup> are pernicious And notwithstanding the Persons owning such Still Head & Worms are acquainted therewith, they presume still to improve them Contrary to the said Act. Resolved that John Dorrell of Boston Under Sheriff be & hereby is Authorized & Directed forthwith to repair to the Houses where such Still Heads or Worms are or may be found & immediately cutt asunder all such & make them incapable of being made Use of in that Service & that He be allowed & paid the Sum of Five Shillings for every Still Head or Worm by him so defaced, And that he be furnished with a Copy of the Return of the Assay Masters for his Direction in this Affair—In Council; Read."

—*Council Records*, vol. XII., p. 88.

Chap. 12, § 5. "Mar. 23. 1721-2 In the House of Represent<sup>es</sup> The Committee having

perused the several Affidavits against Coll. Edmund Goffe, Cpt. Johnson Harman & Lieut Goddard are of Opinion, That they contrary to all Reason & Justice have procured from several Soldiers Blanks for their Discharge by them; <sup>W<sup>ch</sup></sup> Blanks the Committee finds entitles the Possessors to their Pay after the Muster Rolls are lodged in the Treasurer's Office, & the Commissary's Account of Slops are Deducted out of the same; And that Cpt. Johnson Harman hath received of Philip Amy Six Pounds in money & of David Burnham a gun of Three Pounds, & of James Emery a Gun & Blanket Value Fifty Shillings to Discharge them from the Service, And that Lieut Goddard received of Daniel Hastings Forty Shillings to discharge him from the Service, and that Lieut. Goddards Company have not had their Allowance of Molasses, Although the Committee find by the Commissarys Account That on the fourth of January, There was then in Store more than their full Allowance One Hundred and twenty-seven Quarts, And the Committee are further of Opinion That the Soldiers that signed Blanks shall be entitled to their full Pay after the Muster Rolls are lodged in the Treasurer's Office, Notwithstanding the Blanks sign'd by them to their Officers, And that the Officers return the Money Guns &c received by them or their Orders to the Soldiers from whom they received the same for what they are valued at And that such Soldiers are & shall be discharged from all Prosecutions as Deserters from their respective Officers, and that Lieut. Goddards Pay be stop'd in the Treasurer's Office till he hath made good what Molasses hath been kept back from his Company, And are further of Opinion That the Officers be at the Charge of the Hearing before the Court, And for any Thing further The Committee leaves it to the Consideration of the House:—By Order of the Comm<sup>tee</sup> Nath<sup>l</sup> Knolton.

In the House of Represent<sup>ves</sup> Read & Accepted,

In Council; Read & Concur'd:—

Consented to.

SAM<sup>LL</sup> SHUTE "

—*Council Records, vol. XI., p. 284.*

"March 27, 1722. A Muster Roll of the Company in his Majesties Service under the Command of Coll. Samuel Thaxter, & afterwards of Coll. Edmund Goffe, Containing an Account of Wages due to the said Samuel Thaxter & Edmund Goffe, & Company for their Service from the twenty seventh of July to the twenty seventh of February 1721, Amounting to the Sum of £995. 13. 1.

In the House of Represent<sup>ves</sup> Resolved that the Sum of Nine Hundred and ninety five Pounds thirteen Shillings & one Penny be Allowed & paid out of the publick Treasury to the Officers & Soldiers contained in this Muster Roll in full Discharge of their Wages:— In Council; Read & Concur'd, Excepting the Sum of Seven Pounds fifteen Shillings allow'd Coll. Thaxter as Captain; & the Sum of Forty five Pounds fifteen Shillings allow'd Lt. Coll. Goffe as Captain The allowance of Collonel & Captain never having made at the same Time to one & the same Person:—In the House of Represent<sup>ves</sup> Read & Concur'd

Consented to, SAM<sup>LL</sup> SHUTE."

—*Ibid., p. 289.*

"July 3<sup>d</sup> 1722. In the House of Represent<sup>ves</sup> Whereas it often happens that servants and sons under age impressed into His Majesties service dy before the wages of such service is paid, by means whereof the parents or masters of such deceased soldiers can not unless with great difficulty obtain the wages due for such service; Resolved that when and so often as any servant or son under age having been employed in His Majesties Service shall dy before the muster roll is pass'd or the wages due for such service is paid, that then and in such case, a certificate under the hand of the collonel or chief officer of the regiment where such soldier was impressed setting forth whose son or servant he was shall be sufficient to oblige the Province Treasurer to pay unto such parent or master the wages due as aforesaid; any law, usage or custom to the contrary notwithstanding.

In Council; Read and Concur'd.—

Consented to,

SAM<sup>LL</sup> SHUTE."

—*Ibid., p. 34.*

Chap. 14. "As to the Act entituled An Act for reviving an Act entituled an Act to prevent the oppression of Debtors, I have no objection in case the Act to which it refers has been confirmed."—*Report of Mr. West, ut supra.*

(a.) "July 3, 1722. In the House of Represent<sup>ves</sup> Resolved that the Treasurer be and hereby is Directed to issue forth & Emit the Sum of Twelve Thousand Pounds in Bills of Credit on this Province, Seven Thousand Pounds Part thereof is to be deliver'd to him by the Committee appointed to make the Sum of Twenty Thousand Pounds by a Resolve of this Court this Session Together with the Sum of Five Thousand Pounds the Residue thereof <sup>W<sup>ch</sup></sup> is or shall be brought into the Treasury by Taxes, Duties of Impost, Excise & Interest of the Loans For the necessary Defence & Support of the Government and the Protection & Preservation of the Inhabitants thereof To be Issued and Disposed of in Manner following: Viz.

That the Sum of Seven Thousand Pounds, part of the aforesaid Twelve Thousand Pounds be & hereby is Appropriated to & for the Supplying and Supporting & Paying the Charge of Castle William & the other Forts & Garrisons within this Province, as also the Soldiers with the Officers Wages arising for their Service (Provided the Muster Rolls or any Account of Charge or Expence on the Castle Forts and Garrisons shall not be paid until such Muster Roll or Account of Charge or Expence hath been examined & Allow'd of by this Court) According to such Draughts as shall from Time to Time be made upon him by Warrant under the Hand of the Govern<sup>r</sup> with the Advice & Consent of the Council. And the aforesaid Seven Thousand Pounds be drawn out of the Treasury for the Ends and Uses above appropriated only.

That the Sum of Four Thousand seven Hundred Pounds Part of the aforesaid Twelve Thousand Pounds be & hereby is Appropriated to and for Defraying the Charges of this Government already arisen & for Payment of all Grants, Stipends, Salaries, Allowances Bountys & Premiums made & to be made by this Court The Draughts to be made upon the Treasurer for any Part of the aforesaid Sum of Four Thousand seven Hundred Pounds, to be by Warrant as above mentioned, And that the aforesaid Sum of



Four Thousand seven Hundred Pounds be drawn out of the Treasury for y<sup>e</sup> Ends & Uses above appropriated only.

And that the Sum of Three Hundred Pounds being the Residue & Remaining Part of the said Sum of Twelve Thousand Pounds be & hereby is Appropriated for the Payment of Expresses dispatch'd in the Service of this Government together with all other necessary & unforeseen Charges arising in the Revers of this Court that demand prompt Payment, Provided always that the several Draughts made upon the Treasurer do express and Declare out of which appropriated Sums the Money is to be paid. And the said Bills shall pass out of the Treasury at the Value therein express'd equivalent to Money And shall be so taken & Accepted in all publick Payments; And that the Duties of Impost & Excise shall be a Fund and Security for the Re-Payment & Drawing in the said Bills into the Treasury again so far as that will reach;

And as a further Fund & Security for the same It is further Resolved that there be & hereby is granted to his Most Excellent Majesty for the Ends & Uses aforesaid and no other Ends & Uses whatsoever A Tax of Six Thousand Pounds upon Polls & Estates both real & Personal within this Province according to such Rules & in such Proportion upon the several Towns & Districts within the same as shall be Agreed on & Ordered by the Great & General Court or Assembly at their Session in May One Thousand Seven Hundred & thirty four & paid into the Treasury on or before the last Day of December next after; And that the further Sum of Six Thousand Pounds being the Remainder of the aforesaid Sum of Twelve Thousand Pounds be Levied upon Polls & Estates both Real & Personal within this Province according to such Rules & in such Proportion upon the several Towns & Districts within the same as shall be Agreed on & Order'd by the Great & General Court or Assembly of this Province at their Session in May One Thousand seven Hundred & thirty five, and paid into the Treasury on or before the last Day of December next after, And

Whereas through the Scarcity of Bills of Credit It may then be Difficult for Persons to Convert the Produce of their Lands into Bills & Pay their Rates in them It is further Ordered that the Inhabitants of this Province shall have full Liberty (If they see fit) to pay the several Sums that shall be on them respectively assessed in the several Species hereafter mentioned at such moderate Rates & Prices as the Great & General Assembly shall set them at; Viz., In good Barrel Beef & Pork, Wheat, Barley, Rye, Indian Corn, Oats, Flax, Hemp, Bees Wax, Pease, Butter in Firkins, Cheese, Hides, Tan'd Leather, Dry Fish, Mackeril in Barrels, Oyl, Whale Bone, Bay berry Wax, Tallow, Pitch, Tar & Turpentine, Which Species shall be received by the Treasurer of the several Constables or Collectors & by him disposed of to the best Advantage for the Calling of the said Bills into the Treasury again, And if any Loss shall happen by the Sale of the aforesaid Species or any other unforeseen Accident shall arise That such Deficiency shall be made good by a Tax of the Year next following So as fully & effectually to call in the whole Sum of Bills emitted as aforesaid.

In Council Read & Concur'd—  
—*Council Records, vol. XI., p. 344.*

Consented to, SAM<sup>LL</sup> SHUTE."

(b.) "Jan. 14. 1722-3 In the House of Represent<sup>es</sup> Resolved that the Treasurer be and hereby is Directed to Issue forth & Emit the Sum of Thirteen Thousand Pounds in Bills of Credit on this Province, being the remaining Part of the Twenty Thousand Pounds made by a Resolve of this Court in the May Session & lodged in the Treasury, To be disposed of for the Payment of such Muster Rolls as have or may pass this Court, more especially the Rolls belonging to the Eastern Forces:—That the said Bills shall pass out of the Treasury at the Value therein express'd equivalent to Money & shall be so taken & Accepted in all publick Payments;—And that the Duties of Impost & Excise with the Interest of the Loan Money shall be a Fund Security for the Repaying and Drawing in the said Bills to the Treasury again so far as that will reach.

And as a further Fund & Security for the same It is further Resolved That there be & hereby is Granted to his most Excellent Majesty for the Ends & Uses aforesaid & for no other Ends & Uses whatsoever a Tax of Thirteen Thousand Pounds to be levied upon Polls & Estates both Real & Personal within this Province according to such Rules & in such Proportion upon the several Towns & Districts within the same as shall be Agreed on & Ordered by the Great & General Court or Assembly of this Province at their Session in May One Thousand seven Hundred & twenty four & paid into the Treasury at or before the last Day of December next after.

In Council; Read & Concur'd;—  
—*Ibid., p. 455.*

Consented to, WM DUMMER."

(c.) "Jan. 18. 1722-3 In the House of Represent<sup>es</sup> Resolved that the Treasurer be & hereby is Directed to Issue forth & Emit the Sum of Twenty Thousand Pounds in Bills of Credit on this Province to be deliver'd to him by the Committee appointed to Make the Sum of Forty Thousand Pounds by a Resolve of this Court this present Session for the necessary Defence & Support of the Government & the Protection & Preservation of the Inhabitants thereof, To be used & disposed of as is hereby Directed In Manner following; Viz.,

That the Sum of Twelve Thousand Five Hundred Pounds of the Aforesaid Twenty Thousand Pounds be & hereby is Appropriated to & for the Supplying & Supporting & Paying the Charge of Castle William & the other Forts & Garrisons within this Province as also the Soldiers with the Officers Wages arising for their Service (Provided the Muster Rolls or any Accounts of Charge & Expence on the Castle, Forts & Garrison shall not be paid until such Muster Roll & Accompt of Charge or Expence hath been Examined & Allowed of by this Court) According to such Draughts as shall be from Time to Time made upon him by Warrant under the Hand of the Govern<sup>r</sup> or Commander in Chief with the Advice & Consent of the Council And that the aforesaid Sum of Twelve Thousand five Hundred Pounds be drawn out of the Treasury for the Ends & Uses above appropriated only;



That the Sum of Seven Thousand Pounds Part of the aforesaid Sum of Twenty Thousand Pounds be & hereby is Appropriated to & for Defraying the Charges of this Govern<sup>mt</sup> already arisen & for Payment of all Grants Stipends, Salaries, Allowances, Bounties & Premiums made & to be made by this Court, The Draughts to be made upon the Treasurer for any Part of the aforesaid Seven Thousand Pounds to be by Warrant as above written; And that the aforesaid Seven Thousand Pounds be drawn out of the Treasury for the Ends & Uses above Appropriated only

And that the Sum of Five Hundred Pounds being the Residue & Remainder of the said Sum of Twenty Thousand Pounds be & hereby is Appropriated for the Payment of Expenses dispatch'd for the Service of this Government together with all other Necessary unforeseen Charges arising in the Recess of this Court that demand prompt Payment: Provided always that the several Draughts made upon the Treasurer as aforesaid do express & declare out of which appropriated Sums the Money is to be paid;

And the said Bills shall pass out of the Treasury at the Value therein express'd Equivalent to Money And shall be so taken & Accepted in all publick Payments And that the Duties of Impost & Excise shall be a Fund & Security for the Repaym<sup>t</sup> & Drawing in the said Bills into the Treasury again So far as that will reach.

And as a further Fund & Security for the same, It is further Resolved that there be & hereby is Granted to his Most Excellent Majesty for the Ends & Uses aforesaid & no other Ends & Uses whatsoever a Tax of Five Thousand Pounds be levied upon Polls & Estates both Real & Personal within this Province according to such Rules & in such Proportion upon the several Towns & Districts within the same as shall be Agreed on & Ordered by the Great & General Court or Assembly of this Province at their Session in May One Thousand seven Hundred & twenty five & paid into the Treasury on or before the last Day of December next after

And that the further Sum of Fifteen Thousand Pounds being the Remainder of the said Sum of Twenty Thousand Pounds be levied upon Polls & Estates both Real & Personal within this Province according to such Rules & in such Proportion upon the several Towns & Districts within the same as shall be Agreed on & Ordered by the Great & General Court or Assembly of this Province at their Session in May One Thousand seven Hundred and twenty six and paid into the Treasury on or before the last Day of December next after;

And whereas through the Scarcity of Bills of Credit It may then be difficult for Persons to convert the Produce of their Lands into Bills & Pay their Rates in them: It is further Ordered that the Inhabitants of this Province shall have Liberty (If they see fit,) to pay the several Sums that shall be on them respectively Assess'd on the several Species hereafter mentioned at such moderate Rates & Prizes as the Great & General Assembly shall set them at: Viz., In good Barrel Beef & Pork, Wheat, Barley, Rye, Indian Corn, Oats, Flax, Hemp, Bees Wax, Pease, Butter in Firkins, Cheese, Hides, Tan'd Leather, Dry'd Fish, Mackeril in Barrels, Oyl, Whale Bone, Bay berry Wax, Tallow, Pitch, Tar & Turpentine; W<sup>ch</sup> Species shall be received by the Treasurer of the several Constables & Collectors & by him disposed of to the best Advantage for the Calling in of the said Bills into the Treasury again; And if any Loss shall happen by the Sale of the aforesaid Species, or any other unforeseen Accident that shall arise That such Deficiency shall be made good by a Tax of the Year next following, so as fully & effectually to call in the whole Sum of Bills emitted as aforesaid.

In Council; Read & Concur'd;—  
—*Ibid.*, p. 462.

Consented to, W<sup>m</sup> DUMMER."

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ACTS

PASSED 1723-24.

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# ACTS

PASSED AT THE SESSION BEGUN AND HELD AT BOSTON  
ON THE TWENTY-NINTH DAY OF MAY, A.D. 1723.

## CHAPTER 1.

AN ACT FOR THE RELIEF OF CREDITORS, AND GRANTING A FURTHER  
TIME FOR ADJUSTING THEIR ACCOMPTS WITH, AND RECOVERING  
THEIR DUES FROM, THEIR SEVERAL DEBTORS.

WHEREAS, in and by an act made in the fourth year of his present Majesty [y][ie]'s reign, entituled "An Act for the regulation and limiting credit in trade," it is, among other things, enacted "That from and after the publication thereof, no action should be brought or founded on any book or accompt whatsoever, for debts thereafter to be contracted by merchants, shopkeepers, traders, handycraftsmen and others that deal on credit after the expiration of two years from the contracting thereof, unless the same should be adjusted, settled and signed by the debtor, reduced to some specialty, or that action be brought and prosecuted for the same"; and whereas, in Boston and other towns in the province, by reason of the small-pox and other unavoidable hindrances, persons could not settle and adjust their accompts, and pay their debts within the time limited in the said act, which hath been found too short, so that many creditors may loose their debts, without redress from this court,—

Preamble.  
1718-19, chap.  
10, § 1.

*Be it therefore enacted by the Lieutenant-Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

That all creditors, as well as merchants, shopkeepers, traders, handycraftsmen, as others, shall be, and hereby are, allowed the further time of three years, from and after the publication of this act, to adjust and settle their accompts, and reduce their debts, contracted since the publication of the aforesaid act, to some note, bill or specialty; and that it shall and may be lawful [1] for them to sue for and recover their respective debts of any person or persons that shall delay or refuse either to accompt for or pay their debts; anything contained in the aforementioned act to the contrary in any wise notwithstanding. [Passed June 24; published June 30.]

Further time  
allowed for  
creditors to  
recover their  
debts.

## CHAPTER 2.

AN ACT IN FURTHER ADDITION TO AN ACT ENTITULED "AN ACT DIRECTING THE ADMISSION OF TOWN INHABITANTS," MADE AND PASS[ED] IN THE THIRTEENTH YEAR OF THE REIGN OF KING WILLIAM THE THIRD.

*Be it enacted by the Lieutenant-Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

[SECT. 1.] That the inhabitants of the several towns within this province, who shall receive, admit and entertain any person or persons

1700-1, chap. 23.  
No strangers to  
be entertained

In a town above forty days, without giving notice to the selectmen, &c.

Penalty.

not being inhabitants of such town, either as inmates, boarders, tenants, or under any other qualifications, for more than the space of forty days, and shall not, in writing under their hands, give an account to one or more of the selectmen or town clerk of such town, of all such persons so received, admitted and entertained by them, with the time they first received them, and the place from whence they last came, together with their circumstances, as far as they can, shall, for every such neglect, forfeit and pay the sum of five pounds, to be recovered by bill, plaint or information in any of his majest[*y*][*ie*]'s courts of record within this province, the one half of said fine to be employed to and for the use of the poor of the town where such offence shall be, the other half to him or them that shall inform and sue for the same; or they shall be liable to answer all charges which may arise on the said town, by the receiving and entertaining such person or persons as aforesaid, to be recovered by the town treasurer, who is hereby empowered to bring an action accordingly.

*Provided, nevertheless,*

Proviso.

[SECT. 2.] This act shall not be understood of any inhabitants of such town or towns, who, in the time of the sitting of the general court, shall entertain any of the members thereof, their servants or necessary attendants.

Limitation.

[SECT. 3.] This act to continue and be in force for the space of three years from the publication thereof, and no longer. [*Passed June 24; published June 30.*]

## CHAPTER 3.

AN ACT FOR LIMITING AND REGULATING THE PROCEEDINGS OF THE JUDGES OF PROBATE AND FOR GRANTING LETTERS OF ADMINISTRATION, IN THE RESPECTIVE COUNTIES OF THE PROVINCE, IN THEIR GRANTING ADMINISTRATION ON SUCH ESTATES AS HAVE NOT BEEN FULLY ADMINISTER[*E*]D ON ALREADY, COMMONLY CALLED ADMINISTRATIONS *DE BONIS NON*.

Preamble.  
1719–20, chap. 10.  
7 Allen, 428.

WHEREAS, of late years, it hath frequently happen[*e*]d that the judges of probate in some of the counties of the province have granted letters of administration *de bonis non*, on the estates of persons deceased, even many years after the will of such person has been fully executed, or administrations on intestate estates made up and finished, under a pretence that such deceased person died seized of some right of commons in lands, or other real estate, whereby such administrators have given great disturbance to the respective towns or proprietors that own such lands, when at the same time it is not so much as pretended that there is any personal estate of the deceased left unadminister[*e*]d upon, or any debts remaining unpaid; for prevention whereof,—

*Be it enacted by the Lieutenant-Governour, Council and Representatives, in General Court assembled, and by the authority of the same,*

No administrations *de bonis non* to be granted but where there are *bona notabilia*, or debts unsatisfied.

[SECT. 1.] That for the future, no administration *de bonis non* shall be granted on the estate of any person deceased, unless oath be first made that there are *bona notabilia*, or a personal estate, of five pounds' value, unadminister'd on, or there appear to be debts of the like or greater value not satisfied.

*And be it further enacted by the authority aforesaid,*

Rights of commonages to go to the heirs.

[SECT. 2.] That in all such cases where it is alledged, or may be supposed that the deceased died seized of some rights of lands or commonages, the same being a real estate, administration shall not be granted thereon; but, as the same descends and belongs to the heirs of



the deceased, so such heirs, and they only, shall demand, prosecute or sue for the same; and all actions for such lands or real estate, brought or to be brought by the administrators *de bonis non*, shall be dismiss[ed] and forever barr[er]d in the law; any law, usage or custom to the contrary notwithstanding. [*Passed June 17; published June 30.*]

Actions of any others for the same barred.

## CHAPTER 4.

AN ACT TO ENABLE ADDINGTON DAVENPORT, THOMAS HUTCHINSON AND EDWARD HUTCHINSON, ESQRS., THE SURVIVING TRUSTEES OF THE FIFTY THOUSAND POUNDS LOAN, TO ASSIGN OVER SUCH MORTGAGES AS ARE MADE TO THE TRUSTEES OF THE SAID LOAN.

WHEREAS many of the persons that borrowed money of the trustees for the fifty thousand pound[s] loan, and mortgaged their lands for the payment thereof, are some of them in arrear more than eight years, both as to principal and interest, and thereupon the mortgagees have taken possession of several of the mortgaged estates, some of w[hi]ch are rather lessening than growing in their value, and it would be most for the interest of the province, and no damage to those concerned, if there were a power granted to the said trustees to assign over the said mortgages to such person or persons as have second mortgages on the same estates, or to any other creditor of the mortgager,—

Preamble.  
1714, chap. 10.

*Be it therefore enacted by the Lieutenant-Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

That the aforementioned Addington Davenport, Thomas Hutchinson and Edward Hutchinson, surviving trustees, and their successors in said trust, as aforesaid, be, and hereby are, empowered to assign over all such mortgaged estates as they have already taken, or may hereafter take possession of, in the [ir][re] capacity aforesaid, unto such person or persons as have second mortgages on the said estates, or to any other creditor or creditors of the mortgagers, he or they paying what is justly due to the province thereupon: *reserving* always to the mortgager, his heirs, executors or administrators the right of redemption as by law is provided. [*Passed June 29; published June 30.*]

Trustees of the £50,000 loan empowered to assign over mortgaged estates to other creditors of the mortgagers.

Proviso.

## CHAPTER 5.

AN ACT FOR REVIVING AND FURTHER CONTINUING OF SEVERAL TEMPORARY ACTS, WHICH, BY THEIR RESPECTIVE LIMITATIONS, ARE EXPIRED OR NEAR EXPIRING.

WHEREAS, at a session of the great and general court or assembly held at Boston, the twentieth day of October, in the seventh year of the reign of her late majesty Queen Anne, an act was made and passed, entituled "An Act to enable creditors to receive their just debts out of the effects of their absent or absconding debtors," which act, being temporary, was revived and further continued to the thirtieth day of June, one thousand seven hundred and twenty-three; and whereas, at a session held at Boston, the sixth day of February, in the fourth year of his present majesty's reign, an act was made and passed, entituled "An Act in addition to an act providing in case of sickness," which was to continue and be in force to the end of this present session, and no

1708-9, chap. 7.  
1715-16, chap. 18.

1717-18, chap. 14.

1719-20, chap. 2.

longer; *and whereas*, at a session begun and held at Boston, the twenty-seventh day of May, in the fifth year of his present majesty's reign, an act was made and passed, entitled "An Act in addition to an act entitled 'An Act in further addition to an act for encouraging the killing of wolves,'" which was limited to the term of four years; which several acts having been found beneficial to this government,—

*Be it therefore enacted by the Lieutenant-Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

These several acts to remain in force to the end of the general court in May, 1728.

That all and singular the aforerecited acts, and all and singular the paragraphs, clauses, articles, directions and powers, in each and every of them contained, be, and hereby are, revived, re-enacted and directed to abide and remain in full force, and accordingly to be exercised, practised and put in execution, until[1] the end of the session of the general court in May, one thousand seven hundred and twenty-eight, and no longer; any law, usage or custom to the contrary notwithstanding. [*Passed June 26; published June 30.*]

## CHAPTER 6.

### AN ACT FOR THE BETTER REGULATING THE CURING AND CULLING OF FISH.

Preamble.  
1718-19, chap. 4.

WHEREAS many and great abuses have of late happened to the buyers of fish, through the carelessness and neglect of those who have the care of curing and culling of fish; for remedy whereof,—

*Be it enacted by the Lieutenant-Governour, Council and Representatives in Gen[era]l[1] Court assembled, and by the authority of the same,*

Time allowed for the curing of codfish.

[SECT. 1.] That no codfish brought in and delivered to any shoreman, or others, to be cured in order to be sold and exported for any for[r]eign markets, from the first of October to the first of March, shall be exposed to sale, until such fish hath been ashoar and wash'd out at least two months, on penalty of forfeiting all such fish so exposed to sale, or the value thereof.

*And further it is enacted,*

[SECT. 2.] That no fish brought in and delivered, as aforesaid, from the first of March to the last day of September, shall be exposed to sale until[1] such fish hath been on shoar and wash'd out thirty days at least, under the penalty as aforesaid.

*And be it further enacted by the authority aforesaid,*

Penalty to the buyer or seller, for not fulfilling their agreement.

[SECT. 3.] That if any merchant or other person or persons shall agree with any shoreman, or any other person or persons, for his load of fish, or other smaller quantity, for exportation, and such agreem[en]t be made before two sufficient witnesses, or a memorandum in writing sign'd by the parties, such shoreman or owner of such fish shall not dispose of the fish so sold or agreed for, to any other person whatsoever, under the penalty of ten shillings for each quintal, to be paid to the merchant or buyer; and that all fish so sold and agreed for, being well cured, and ready to pass the cull by a sworn culler appointed for that purpose, and the same being tendered by the owner of such fish to the merchant or purchaser thereof, such merchant or purchaser of said fish shall be, and hereby is, obliged to receive the same according to the agreem[en]t made; and in case of his refusal, shall forfeit and pay to the owner of such fish ten shillings per quintal.

*And be it further enacted,*

[SECT. 4.] That the justices of the court of gen[era]l sessions of the peace in each county within this province, shall be, and hereby are empowered to appoint suitable and meet persons in every town or place within their respective counties, where fish is cured or dried, and that at their sessions immediately after the first day of June yearly; and [that] the selectmen of each town where the fishing trade is carried on, shall present a list of suitable persons for cullers, which shall contain twice so many as they judge necessary for that office, out of w[hic]h list the justices shall appoint a fit number, if they approve of the persons so nominated; if not, they may nominate and appoint others whom they shall think proper; and it shall be in the power of the merchant and buyer of fish, to chuse his culler or cullers out of the number appointed, as aforesaid, in the town where the fish is; and all cullers shall deliver a certificate to the merchant, of all merchantable fish cull'd by them and put on board his ship or vessel; and in case there should arise any difference between the buyer and seller relating to the culling of fish, it shall be decided by two other sworn cullers, one to be chosen by the seller and the other by the buyer, together with the former culler; two of which agreeing, shall determine that matter.

How cullers of fish are to be appointed.

The buyer to choose his culler. Culler to deliver a certificate of fish.

Difference between buyer and seller, how to be decided.

[SECT. 5.] And all cullers of fish so chosen by the gen[era]l sessions of the peace for such town or place respectively, shall, in discharge of their trust, every of them take the following oath, before the court of gen[era]l sessions of the peace, or before one or more justices of the peace, and a certificate of the persons being sworn return'd to the clerk of the sessions; viz.,—

I, S. M., do swear that I will faithfully and impartially to the best of my judgment, perform the duty and office of culler of fish for the year ensuing, and until another be appointed and sworn in my room, and that I will alwa[y]s have a regard to the particular directions of the act for the better regulating the curing and culling of fish. So help me God.

Culler's oath.

*And be it further enacted by the authority aforesaid,*

[SECT. 6.] That the culler of fish shall receive for his service, one pen[n]y for each quintal of fish that shall be cull'd by him, one half thereof to be paid by the buyer, and the other half by the seller; and in case any sworn culler shall, directly or indirectly, receive any bribe or gratuity from either party, or any other person or persons, such sworn culler, being convicted thereof, shall forfeit and pay the sum of twenty pounds.

Culler's fee.

Penalty in case of bribery.

*And be it further enacted by the authority aforesaid,*

[SECT. 7.] That no merchant, or master, or other person, shall ship any other codfish, on board any ship or vessel that loads merchantable fish, than what is merchantable, unless the said master shall make oath before the impost officer, at his clearing with him, of what quantities of middling or refuse codfish he hath taken or ship'd on board said vessel for himself or any other person; and the impost officer is hereby ordered not to clear any ship or vessel laden with fish, until the master has made oath as aforesaid.

Oath to be made in case of mixed codfish being shipped.

*And be it further enacted,*

[SECT. 8.] That all forfeitures and penalties arising by force and virtue of this act (not otherwise disposed of therein) shall be one half to the poor of the place where the offence shall be committed, and the other half to the informer, or to him or them that shall sue for the same in any of his maj[esty's] courts of record within this province; any law, usage or custom to the contrary notwithstanding.

Fines, how to be disposed of.

[SECT. 9.] This act to continue and be in force for the space of three years from the publication thereof, and no longer. [Passed June 29; published June 30.]

Term of the act.

## CHAPTER 7.

## AN ACT FOR GRANTING UNTO HIS MAJESTY SEVERAL RATES AND DUTYS OF IMPOST AND TUNNAGE OF SHIPPING.

WE, his majesty's most loyal and dutifull subjects, the representatives of his majesty's province of the Massachusetts Bay in New England, considering the necessity of calling in the sum of seventeen thousand pounds, granted to his present majesty by bills emitted at the severall sessions *annis* 1718 and 1719, to be levied and collected in this present year, have cheerfully and unanimously given and granted, and do hereby give and grant unto his most excellent majesty, to the ends, use and intent aforesaid, and for no other use, the several dutys of impost upon wines, liquours, goods, wares and merchandizes that shall be imported into this province, and tunnage of shipping hereafter mentioned and expressed, for calling in the sum of three thousand pounds, part of the said sum of seventeen thousand pounds abovementioned; and pray that it may be enacted,—

*And be it accordingly enacted by the Lieutenant-Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

[SECT. 1.] That, from and after the twenty-ninth day of June, inst., there shall be paid by the importer of all wines, liquors, goods, wares and merchandizes, that shall be imported into this province from the place of their growth (salt, cotton-wool, provisions and every other thing of the growth and produce of New England excepted), the severall rates and dutys of impost following; viz'.,—

For every pipe of common wine of the Western Islands, twenty shillings.

For every pipe of Canary and for every pipe of Madera or Passada, twenty-five shillings.

For every pipe of other sorts not mentioned, twenty shillings.

For every hogshead of rum, containing one hundred gallons, twenty shillings.

For every hogshead of sugar, two shillings.

For every hogshead of molosses, one shilling.

For every hogshead of tobacco, twenty shillings.

For every tun of logwood, three shillings.

And so proportionably for greater or lesser quantities.

And for all other commodities, goods or merchandize not mentioned or excepted, one penny for every twenty shillings' value; all goods imported from Great Britain excepted.

[SECT. 2.] And for any of the above wines, liquors, goods, wares, merchandize, &c., that shall be imported into this province from any other ports than the places of their growth and produce, there shall be paid by the importer double the value of impost appointed by this act, to be received for every species abovementioned, unless they do *bona fide* belong to the inhabitants of this province, and come upon their rights from the port of their growth.

*And be it further enacted by the authority aforesaid,*

[SECT. 3.] That all the aforesaid imposts, rates and dutys shall be paid in currant money, or in bills of credit of this province, by the importer of any wines, liquors, goods or merchandize, unto the commissioner and receiver to be appointed, as is hereinafter directed, for entring and receiving of the same, at or before the landing of any wines, liquors, goods or merchandizes; only the commissioner or receiver is hereby allowed to give credit to such person or persons where his or their duty

of impost in one ship or vessell doth exceed the sum of ten pounds; and in case where the commissioner or receiver shall give credit, he shall settle and ballance his accounts with every person, so that the same accounts may be ready to be presented to this court in May next. And all entries where the impost or duty to be paid doth not exceed four shillings shall be made without charge to the importer, and not more than sixpence to be paid for any other single entry to what value soever.

*And be it further enacted by the authority aforesaid,*

[SECT. 4.] That all masters of ships or other vessells coming into any harbour or port within this province from beyond sea, or from any other province or colony, before bulk be broken and within twenty-four hours after his arrival in such harbour or port, shall make a report to the commissioner or receiver of the impost to be appointed as is hereafter mentioned, of the contents of the lading of such ship or vessell, without any charge or fee to be demanded or paid for the same, which report such master shall give into to the said commissioner or receiver under his hand, and shall therein set down and express the quantities and species of the wines, liquors, goods and merchandizes loaden on such ship or vessell, with the marks and numbers thereof, and to whom the same is consigned; and also make oath that the said report or manifest of the contents of his lading, so to be by him given in under his hand as aforesaid, contains a just and true account, to the best of his knowledge, of the whole lading taken on board and imported in the said vessell from the port or ports such vessell came from, and that he hath not broken bulk nor delivered any of the wines, rum or other distilled liquors or merchandizes loaden on said ship or vessell, directly or indirectly, and that if he shall know of any more wines, liquors, goods or merchandize to be imported therein, before the landing thereof he will cause it to be added to his manifest; which manifest shall be agreeable to a printed form made for that purpose, which is to be filled up by the said commissioner or receiver according to each particular person's entry; which oath the commissioner or receiver is hereby impowred to administer; after which such master may unload, and not before, on pain of one hundred pounds to be forfeited and paid by each master that shall neglect his duty on this behalf.

*And be it further enacted by the authority aforesaid,*

[SECT. 5.] That all merchants, factors and other persons, importers, being owners of, or having any of the wines, liquors, goods or merchandizes consigned to them, that by this act are liable to pay impost or duty, shall, by themselves or order, make entry thereof in writing, under their hands, with the said commissioner or receiver, and produce unto him the original invoice of all such goods as pay *ad valorem*, and make oath thereto in manner following:—

You, A. B., do swear that the entry of the goods and merchandize, by you now made, contains the true value, agreeable to the original invoice herewith exhibited, and that, according to your best skill and judgement, is not less than the real cost thereof. So help you God.

—and pay the duty and impost by this act required, before such wines, liquors, goods, wares or merchandizes be landed or taken out of the vessell in which the same shall be imported; on pain of forfeiting all such wines, liquors, goods, wares or merchandize so landed or taken out of the vessell in which the same shall be imported.

[SECT. 6.] And no wines, liquors, goods, wares or merchandizes that by this act are lyable to pay impost or duty, shall be landed on any wharff, or into any warehouse or other place, but in the daytime only, and that after sunrise and before sunset, unless in the presence of and



with the consent of the commissioner or receiver, on pain of forfeiting all such wines, liquors, goods, wares and merchandizes, and the lighter, boat or vessell out of which the same shall be landed or put into any warehouse or other place; which abovesaid oath the commissioner or receiver is hereby impowred to administer.

[SECT. 7.] And if any person or persons shall not have and produce an invoice of the quantitys of rum or liquors to him or them consigned, then the caske wherein the same is shall be gauged at the charge of the importer, that the quantity thereof may be known.

*And be it further enacted by the authority aforesaid,*

[SECT. 8.] That every merchant or other person, importing any wines into this province, shall be allowed twelve per cent for leakage: *provided* such wines have not been filled up on board; and that every hogshead, butt or pipe of wine that hath two third parts thereof leaked out, shall be accounted for outs, and the merchant or importer to pay no duty or impost for the same. And no master of any ship or vessell shall suffer any wines to be filled up on board without giving a certificate of the quantity so filled, under his hand, before the landing thereof, to the commissioner or receiver of the impost in such port, on pain of forfeiting the sum of fifty pounds.

[SECT. 9.] And if it be made appear that any wines imported in any ship or vessell be decayed at the time of unlading thereof, or in twenty days afterward, oath being made before the commissioner or receiver that the same hath not been landed above that time, the duties and impost paid for such wines shall be repaid unto the importer thereof.

*And be it further enacted by the authority aforesaid,*

[SECT. 10.] That the master of any ship or vessell importing any wines, liquors, goods, wares or merchandize, shall be lyable to and shall pay the impost of such and so much thereof contained in his manifest as shall not be duly entred nor the duty paid for the same by the person or persons to whom such wines, liquors, goods, wares or merchandize are or shall be, consigned; and it shall and may be lawfull to and for the master of every ship or other vessell to secure and detain in his hands at the owners' risque, all such wines, liquors, goods, wares or merchandize imported in such ship or vessell, until he shall receive a certificate from the commissioner or receiver of the impost that the duty for the same is paid, and until he be repaid his necessary charges in securing the same; or such master may deliver such wines, liquors, goods, wares or merchandize as are not entred, unto the commiss<sup>r</sup> or receiver of the impost in such port, or his order, who is hereby impowred and directed to receive and keep the same, at the owner's risque, until the impost thereof, with charges, be paid, and then to deliver such wines, liquors, goods, wares or merchandize as such master shall direct.

*And be it further enacted by the authority aforesaid,*

[SECT. 11.] That the commissioner or receiver of the impost in each port shall be, and hereby is, impowred to sue the master of any ship or vessell for the impost or duty for so much of the lading of any wines, liquors, goods, wares and merchandizes imported therein, according to the manifest by him to be given upon oath as aforesaid, as shall remain not entred and the duty or impost thereof not paid; and where the goods, wares or merchandizes are such as that the value thereof is not known, whereby the impost to be recovered of the master for the same cannot be ascertained, the owner or person to whom such goods, wares or merchandizes are or shall be consigned, shall be summoned to appear as an evidence at the court where suit for the impost and duty thereof shall be brought, and be there required to make oath to the value of such goods, wares or merchandizes.

*And be it further enacted by the authority aforesaid,*

[SECT. 12.] That the ship or vessel, with her tackle, apparel and furniture, the master of which shall make default in anything by this act required to be performed by him, shall be lyable to answer and make good the sum or sums forfeited by such master, according to this act, for any such default; as also to make good the impost or duty for any wines, liquors, goods, wares or merchandizes not entred as aforesaid, and, upon judgement recovered against such master, the said ship or vessel, or so much of her tackle or appur<sup>ts</sup> as shall be sufficient to satisfie said judgement, may be taken in execution for the same. And the commissioner or receiver of the impost is hereby impowred to make seizure of such ship or vessel, and detain the same under seizure until judgement be given in any suit to be commenced and prosecuted for any of the said forfeitures or impost, to the intent that if judgement be rendered for the prosecutor or informer, such ship or vessel and appur<sup>ts</sup> may be exposed to sale for satisfaction thereof, as is before provided: *unless* the owners, or some on their behalf, for the releasing of such ship or vessel from under seizure or restraint, shall give sufficient security to the commissioner or receiver of the impost that seized the same, to respond and satisfy the sum or value of the forfeiture and dutys, with charges, that shall be recovered against the master thereof, upon suit to be brought for the same as aforesaid; and the master occasioning such loss and damage unto his owners, through his default or neglect, shall be liable unto their action for the same.

*And be it further enacted,*

[SECT. 13.] That the naval officer within any of the ports of this province shall not clear or give passes to any master of any ship or other vessel outward bound, until he shall be certified by the commissioner or receiver of the impost, that the dutys and impost for the goods last imported in such ship or vessel are paid or secured to be paid. And the commissioner or receiver of the impost is hereby impowred to allow bills of store to the master of any ship or vessel importing any wines or liquors, for such private adventures as shall belong to the master or seamen of such ship or other vessel, at the discretion of the commissioner or receiver, not exceeding three per cent of the lading; and the dutys payable by this act for such wines or liquors in such bills of store mentioned and expressed, shall be abated.

*And be it further enacted by the authority aforesaid,*

[SECT. 14.] That all penaltys and forfeitures accruing or arising by virtue of this act, shall be one half to his majesty, for the uses and intents for which the aforementioned duty of impost are granted, and the other half to him or them that shall seize, inform and sue for the same by action, bill, plaint or information in any of his majesty's courts of record, wherein no essoign, protection or wager of law shall be allowed: the whole charge of prosecution to be taken out of the half belonging to the informer.

*And be it further enacted by the authority aforesaid,*

[SECT. 15.] That there shall be paid by the master of every ship or other vessel coming into any port or ports in this province to trade or traffick, whereof all the owners are not belonging to this province, except such vessels as belong to Great Britain, the provinces or colonies of Pensylvania, West and East Jersey, New York, Connecticutt or Rhod Island, every voyage such ship or vessel do's make, the sum of eighteen pence per tun, or one pound of good, new gunpowder for every tun such ship or vessel is in burthen: *saving* for that part which is owned in Great Britain, this province or any of the aforesaid governments (which is hereby exempted), to be paid unto the commissioner or receiver of the dutys of impost, and to be employed for the ends and uses aforesaid.

[SECT. 16.] And the said commissioner is hereby impowred to appoint a meet and suitable person to repair unto and on board any ship or vessell to take the exact measure or tunnage thereof, in case he shall suspect that the register of such ship or vessell doth not express and set forth the full burthen of the same, the charge thereof to be paid by the master or owner of such ship or vessell before she be cleared, in case she appear to be of greater burthen; otherwise to be paid by the commissioner out of the moneys received by him for impost, and shall be allowed him accordingly by the treasurer in his accompts. And the naval officer shall not clear any vessell until he be also certified by the said commissioner that the duty of tunnage for the same is paid, or that it is such a vessell for which none is payable according to this act.

*And be it further enacted by the authority aforesaid,*

[SECT. 17.] That there be one fit person, and no more, nominated and appointed by this court as a commissioner and receiver of the aforesaid dutys of impost and tunnage of shipping, and for the inspection, care and management of the said office and whatsoever relates thereunto, to receive commission for the same from the governour or commander-in-chief for the time being, with authority to substitute and appoint a deputy receiver in each port besides that wherein he resides, and to grant warrants to such deputy receivers for their said place, and to collect and receive the impost and tunnage of shipping aforesaid, that shall become due within such port, and to render the accompts thereof and pay in the same to the said commissioner and receiver; which said commissioner and receiver shall keep fair books of all entrys and dutys arising by virtue of this act, also a particular account of every vessell, so that the dutys of impost and tunnage arising on the said vessell may appear; and the same to ly open at all seasonable times to the view and perusal of the treasurer and receiver-general of this province (or any other person or persons whom this court shall appoint), with whom he shall account for all collections and payments, and pay in all such moneys as shall be in his hands, as the treasurer or receiver-general shall demand it; and the said commissioner and receiver, and his deputy and deputys, before their entring upon the execution of the said office, shall be sworn to deal truly and faithfully therein, and shall attend in the office from nine to twelve of the clock in the forenoon, and from two to five of the clock in the afternoon.

[SECT. 18.] And the said commissioner and receiver, for his labour, care and expences in the said office, shall have and receive out of the province treasury, the sum of seventy pounds per annum; and his deputy or deputys to be paid for their service such sum and sums as the said commissioner and receiver, with the treasurer, shall agree, upon reasonable terms, not exceeding thirty pounds each. And the treasurer is hereby ordered, in passing and receiving the said commissi<sup>r</sup>'s accompts, accordingly, to allow the payment of such salary or salaries as aforesaid, to himself and his deputy or deputys.

*Provided,*

[SECT. 19.] That this act shall continue in force from the publication thereof until the twenty-ninth day of June, which will be in the year of our Lord one thousand seven hundred and twenty-four, and no longer. [*Passed June 17; published June 28.*]

## CHAPTER 8.

## AN ACT FOR APPORTIONING AND ASSESSING A TAX OF SIX THOUSAND TWO HUNDRED AND FIVE POUNDS FIFTEEN SHILLINGS AND SEVENPENCE HALF-PENNY.

WHEREAS the great and general court or assembly of the province of the Massachusetts Bay in New England, at their sessions in the years 1718 and 1719, did pass three grants of taxes on polls and estates, as funds and security for the payment and drawing in several sums in the bills of credit on this province ordered to be imprinted, repeated and issued out of the publick treasury for the service of the government; that is to say, at their sessions held in the month of October, one thousand seven hundred and eighteen, five thousand pounds\* ; at their session held in May, one thousand seven hundred and nineteen, two thousand pounds† ; and at their session held in November, one thousand seven hundred and nineteen, ten thousand pounds.‡ applied to the ends and uses in the said grants particularly enumerated and expressed ; and, by the resolves of the court that made the aforesaid grants, it was then ordered that the said sum of seventeen thousand pounds shall be apportioned and assessed and leyed on polls, and estates both real and personal, within this province, according to such rules and in such proportion upon the several towns and districts within the same as shall be agreed on and ordered by this court in their present session ; *wherefore*, for the ordering, directing and perfecting the said sum of six thousand two hundred and five pounds fifteen shillings and sevenpence half-penny, and for making further provision for any deficiency that may arise or accrue, by any unforeseen accident, in the funds and grants aforesaid, which, with the sum of ten thousand seven hundred ninety-four pounds four shillings and fourpence half-penny, by the dutys of impost and tunage of shipping and excise, together with the income of the bills let out and the light-house, will make the sum of seventeen thousand pounds, pursuant to the funds and grants aforesaid, which is unanimously approved, ratified and confirmed ; we, his majesty's most loyal and dutifull subjects, the representatives in general court assembled, pray that it may be enacted,—

*And be it accordingly enacted by the Lieutenant-Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

[SECT. 1.] That each town or district within this province be assessed and pay as such town's and district's proportion of the aforesaid sum of six thousand two hundred and five pounds fifteen shillings and sevenpence half-penny, the sum following ; that is to say,—

## IN THE COUNTY OF SUFFOLK.

Boston, one thousand ninety-nine pounds two shillings and threepence, . . . . .	£1,099	2s. 3d.
Roxbury, sixty-two pounds seventeen shillings and sixpence, . . . . .	62	17 6
Dorchester, eighty-three pounds fourteen shillings and threepence, . . . . .	83	14 3
Hingham, sixty-three pounds sixteen shillings and sixpence, . . . . .	63	16 6
Brantrey, sixty-five pounds seventeen shillings and threepence, . . . . .	65	17 3
Dedham, fifty pounds eighteen shillings and threepence, . . . . .	50	18 3

\* NOTES to 1718-19, resolve (c). † NOTES to 1719-20, resolve (a). ‡ *Ibid.*, resolve (b).

Medfield, thirty pounds eighteen shillings, . . . . .	£30 18s. 0d.
Medway, fourteen pounds eighteen shillings and ninepence, . . . . .	14 18 9
Weymouth, forty-four pounds four shillings and sixpence, . . . . .	44 4 6
Milton, thirty-two pounds five shillings and threepence, . . . . .	32 5 3
Hull, fourteen pounds eighteen shillings and ninepence, . . . . .	14 18 9
Wrentham, thirty-two pounds fifteen shillings and threepence, . . . . .	32 15 3
Mendon, thirty-eight pounds seventeen shillings and threepence, . . . . .	38 17 3
Woodstock, forty-six pounds twelve shillings and threepence, . . . . .	46 12 3
Brookline, twenty-five pounds eighteen shillings and threepence, . . . . .	25 18 3
Sutton, six pounds, . . . . .	6 0 0
Needham, nineteen pounds five shillings and ninepence, . . . . .	19 5 9
Bellingham, six pounds, . . . . .	6 0 0
Oxford, seven pounds fourteen shillings and sixpence, . . . . .	7 14 6

## IN THE COUNTY OF ESSEX.

Salem, one hundred fifty-nine pounds twelve shillings and one penny half-penny, . . . . .	159 12 1½
Ipswich, one hundred seventy-one pounds eleven shillings and threepence, . . . . .	171 11 3
Newbury, one hundred forty-three pounds seven shillings and sixpence, . . . . .	143 7 6
Marblehead, one hundred thirty-five pounds eighteen shillings and one penny half-penny, . . . . .	135 18 1½
Lynn, seventy-four pounds thirteen shillings and ninepence, . . . . .	74 13 9
Andover, seventy pounds twelve shillings, . . . . .	70 12 0
Beverly, sixty pounds eighteen shillings and ninepence, . . . . .	60 18 9
Rowley, fifty-six pounds ten shillings and sixpence, . . . . .	56 10 6
Salisbury, forty-nine pounds six shillings and sevenpence half-penny, . . . . .	49 6 7½
Haverhill, sixty-four pounds sixteen shillings and threepence, . . . . .	64 16 3
Gloicester, seventy-two pounds four shillings and ninepence, . . . . .	72 4 9
Topstield, thirty pounds twelve shillings and ninepence, . . . . .	30 12 9
Boxford, twenty-seven pounds eight shillings and sixpence, . . . . .	27 8 6
Almsbury, forty-four pounds fifteen shillings and ninepence, . . . . .	44 15 9
Bradford, thirty pounds three shillings and threepence, . . . . .	30 3 3
Wenham, twenty-seven pounds eighteen shillings and sevenpence ½, . . . . .	27 18 7½
Manchester, thirteen pounds and threepence, . . . . .	13 0 3

## IN THE COUNTY OF MIDDLESEX.

Cambridge, fifty pounds nine shillings and sevenpence half-penny, . . . . .	50 9 7½
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Charlestown, one hundred thirty-six pounds four shillings and threepence, . . . . .	£136	4s.	3d.
Watertown, fifty-five pounds eight shillings and threepence, . . . . .	55	8	3
Concord, seventy-seven pounds six shillings and ninepence, . . . . .	77	6	9
Weston, forty-eight pounds nine shillings and fourpence half-penny, . . . . .	48	9	4½
Wobourn, seventy-four pounds seventeen shillings and threepence, . . . . .	74	17	3
Reading, fifty-two pounds five shillings and threepence, . . . . .	52	5	3
Sudbury, sixty pounds eighteen shillings and threepence, . . . . .	60	18	3
Marlborough, fifty-nine pounds fourteen shillings and ninepence, . . . . .	59	14	9
Lexington, thirty-six pounds one shilling and threepence, . . . . .	36	1	3
Newton, forty-six pounds and sevenpence half-penny, . . . . .	46	0	7½
Malden, thirty-seven pounds nineteen shillings and ninepence, . . . . .	37	19	9
Chelmsford, forty-eight pounds three shillings and threepence, . . . . .	48	3	3
Billerica, forty-seven pounds nine shillings and ninepence, . . . . .	47	9	9
Sherbourn, thirty-one pounds nineteen shillings and threepence, . . . . .	31	19	3
Westboro', thirteen pounds two shillings and ninepence, . . . . .	13	2	9
Groton, thirty-three pounds six shillings and ninepence, . . . . .	33	6	9
Lancaster, thirty-seven pounds five shillings and ninepence, . . . . .	37	5	9
Framingham, thirty-seven pounds eighteen shillings and ninepence, . . . . .	37	18	9
Medford, nineteen pounds four shillings and threepence, . . . . .	19	4	3
Stow, twenty-one pounds six shillings and a penny half-penny, . . . . .	21	6	1½
Worcester, ten pounds, . . . . .	10	0	0
Dunstable, eleven pounds ten shillings and tenpence half-penny, . . . . .	11	10	10½
Draught, eight pounds eighteen shillings and ninepence, . . . . .	8	18	9
Leicester, six pounds, . . . . .	6	0	0
Littleton, ten pounds, . . . . .	10	0	0
Rutland, three pounds, . . . . .	3	0	0

## IN THE COUNTY OF HAMPSHIRE.

Springfield, seventy-five pounds four shillings and a penny half-penny, . . . . .	75	4	1½
Northampton, fifty-eight pounds eight shillings and tenpence half-penny, . . . . .	58	8	10½
Hadley, thirty-four pounds eight shillings and sixpence, . . . . .	34	8	6
Hatfield, twenty-eight pounds one shilling and sixpence, . . . . .	28	1	6
Westfield, twenty-nine pounds seventeen shillings and fourpence ½, . . . . .	29	17	4½

Suffield, thirty-two pounds seventeen shillings and a penny half-penny, . . . . .	£32 17s. 1½d.
Enfield, forty-one pounds and ninepence, . . . . .	41 0 9
Deerfield, fifteen pounds nineteen shillings and sixpence, . . . . .	15 19 6
Brookfield, ten pounds, . . . . .	10 0 0
Sunderland, four pounds, . . . . .	4 0 0

## IN THE COUNTY OF PLYMOUTH.

Plymouth, seventy-two pounds one shilling and threepence, . . . . .	72 1 3
Plympton, thirty-two pounds six shillings and ninepence, . . . . .	32 6 9
Situate, ninety-five pounds nine shillings and ninepence, . . . . .	95 9 9
Bridgewater, sixty-eight pounds three shillings and fourpence half-penny, . . . . .	68 3 4½
Marishfield, fifty pounds eighteen shillings and threepence, . . . . .	50 18 3
Pembroke, twenty-three pounds eight shillings and sixpence, . . . . .	23 8 6
Duxborô, thirty-one pounds nine shillings and threepence, . . . . .	31 9 3
Middleborô, thirty-eight pounds four shillings and sevenpence half-penny, . . . . .	38 4 7½
Rochester, thirty-six pounds twelve shillings and ninepence, . . . . .	36 12 9
Abington, ten pounds twelve shillings, . . . . .	10 12 0

## IN THE COUNTY OF BRISTOL.

Bristol, forty-eight pounds, . . . . .	48 0 0
Taunton, seventy-four pounds six shillings and sixpence, . . . . .	74 6 6
Norton, with North Purchase, twenty-nine pounds twelve shillings and ninepence, . . . . .	29 12 9
Dartmouth, eighty-one pounds twelve shillings, with an additional sum of one hundred pounds, for that a minister for that town is to be paid out of the publick treasury for the year ensuing, . . . . .	181 12 0
Dighton, thirty-three pounds nineteen shillings and sevenpence half-penny, . . . . .	33 19 7½
Rehoboth, eighty pounds three shillings and a penny half-penny, . . . . .	80 3 1½
Little Compton, sixty-one pounds eighteen shillings and sixpence, . . . . .	61 18 6
Swansey and Shewamet, fifty-three pounds and ninepence, . . . . .	53 0 9
Tiverton, twenty-seven pounds nine shillings, with an additional sum of seventy-two pounds eleven shillings for that a minister for that town is to be paid out of the publick treasury for the year ensuing, . . . . .	100 0 0
Freetown, twenty-four pounds nine shillings, . . . . .	24 9 0
Attleborough, thirty-three pounds nine shillings and a penny half-penny, . . . . .	33 9 1½
Barrington, seventeen pounds eighteen shillings and sixpence, . . . . .	17 18 6

## IN THE COUNTY OF BARNSTABLE.

Barnstable, eighty-two pounds sixteen shillings and ninepence, . . . . .	£82 16s. 9d.
Sandwich, fifty-three pounds one shilling and threepence, . . . . .	53 1 3
Eastham, fifty-six pounds four shillings and a penny half-penny, . . . . .	56 4 1½
Truro, twenty-six pounds seventeen shillings and a penny half-penny, . . . . .	26 17 1½
Yarmouth, fifty-one pounds fifteen shillings, . . . . .	51 15 0
Harwich, thirty-five pounds sixteen shillings and threepence, . . . . .	35 16 3
Falmouth, twenty pounds eighteen shillings and a penny half-penny, . . . . .	20 18 1½
Chatham, seventeen pounds eighteen shillings and sixpence, . . . . .	17 18 6

## IN DUKES COUNTY.

Edgartown, twenty-three pounds seventeen shillings and ninepence, . . . . .	23 17 9
Chilmark, thirty-eight pounds sixteen shillings and sevenpence half-penny, . . . . .	38 16 7½
Tisbury, eleven pounds eighteen shillings and ninepence, . . . . .	11 18 9

## IN THE COUNTY OF YORK.

York, thirty pounds, . . . . .	30 0 0
Kittery, sixty-five pounds fourteen shillings and threepence, . . . . .	65 14 3
Berwick, twenty pounds, . . . . .	20 0 0
Wells, twenty pounds, . . . . .	20 0 0

Nantucket, seventy-seven pounds thirteen shillings and a penny half-penny, . . . . .	77 13 1½
Amounting in the whole to the sum of six thousand two hundred and five pounds fifteen shillings and sevenpence half-penny, . . . . .	£6,205 15s. 7½d.

*And be it further enacted by the authority aforesaid,*

[SECT. 2.] That the treasurer do forthwith send out his warrants directed to the selectmen or assessors of each town or district within this province, requiring them, respectively, to assess the sum hereby set upon such town and district in manner following; that is to say, to assess all ratable male polls above the age of sixteen years, at thirty pence pr. poll (except the governour, lieutenant-governour and their familys, the president, fellows and students of Harvard College, settled ministers and gramar-school masters, who are hereby exempted as well from being taxed for their polls, as for their estates being in their own hands and under their actual managment and improvement) and other persons (if such there be) who thro age, infirmity or extreme poverty, in the judgement of the assessors, are not capable to pay towards publick charges, they may except their polls and so much of their estates as in their prudence they shall think fit and judge meet; and all estates both reall and personall lying within the limits and bounds of such town or district, or next unto the same, not paying elsewhere, in whose hand, tenure, occupation or possession soever the same is or shall be found, and income by any trade or faculty which any person or persons (except as before excepted) do or shall

exercise in gaining by money or other estate, not particularly otherwise assessed, or commissions of profit in their improvement, according to their understanding and cunning, at one penny on the pound; and to abate or multiply the same, if need be, so as to make up the sum hereby set and ordered for such town or district to pay; and in making their assessment, to estimate houses and lands at six years' income of the yearly rents whereat the same may be reasonably set or lett for in the places where they lye: *saving* all contracts betwixt landlord and tenant, and where no such contract is, the landlord to reimburse one half of the tax set upon such houses and lands; and to estimate Indian, negro and molatto servants proportionably as other personal estate, according to their sound judgement and discretion: as also to estimate every ox of four years old and upwards, at forty shillings; every cow of three years old and upwards, at thirty shillings; every horse and mare of three years old and upwards, at forty shillings; every swine of one year old and upwards, at eight shillings; every sheep and goat of one year old and upwards, at four shillings; likewise requiring the assessors to make a fair list of the said assessment, setting forth in distinct columns, against each particular person's name, how much he or she is assessed at for polls, and how much for houses and lands, and how much for personal estate and income by trade or faculty; and the list or lists so perfected and signed by them, or the major part of them, to commit to the collectors, constable or constables of such town or district, and to return a certificate of the name or names of such collector, constable or constables, together with the sum total to each of them respectively committed, unto himself, some time before the last day of September next.

[SECT. 3.] And the treasurer for the time being, upon the receipt of such certificate, is hereby impowred and ordered to issue forth his warrants to the collectors, constables or constables of such town or district requireing him or them, respectively, to collect the whole of each respective sum, assessed on each particular person, before the last day of March next; and of the inhabitants of the town of Boston, to collect their proportion some time in the month of January foregoing; and to pay in their collection, and issue the accompts of the whole, at or before the last day of May next, which will be in the year of our Lord one thousand seven hundred and twenty-four.

*And be it further enacted by the authority aforesaid,*

[SECT. 4.] That the assessors of each town and district, respectively, in convenient time before their making the assessment, shall give seasonable warning to the inhabitants in a town meeting, or in posting up notifications in some place or places in such town or district, or otherwise to notifie the inhabitants to give or bring in to the said assessors true and perfect lists of their polls and rateable estates; and if any person or persons shall neglect or refuse so to do, or bring in a false list, it shall be lawfull to and for the assessors to assess such person or persons, according to their known ability in such town, according to their sound judgement and discretion, their due proportion to this tax as near as they can according to the rules herein given, under the penalty of twenty shillings for each person that shall be convicted by legal proof, in the judgement of the assessors, of bringing in a false list; the said fines to be for the use of the poor of such town or district where the delinquent lives, to be levied by warrant from the assessors, directed to the collector or constable in manner as is directed for gathering of town assessments, and to be paid in to the town treasurer or selectmen for the use aforesaid: *saving* to the party aggrieved at the judgment of the assessors in setting such fine, liberty of appeal therefrom to the court of general sessions of the peace within the county, for relief, as in case of being overrated.

[SECT. 5.] And if the party be not convicted of any falseness in the list by him presented of polls, ratable estate, and income by any trade or faculty which he doth or shall exercise in gaining by any money or other estate, not particularly otherwise assessed, such list shall be a rule for such person's proportion to the tax, which the assessors may not exceed.

*Whereas* oftentimes sundry persons not belonging to this province bring considerable trade and merchandize, and by reason of the tax or rates of the town where they came to trade or traffick, is finished and delivered to the constables or collectors, and, before the next year's assessment, are gon out of the province, and so pay nothing towards the support of the government, thò in the time of their residing here they reap considerable gain by trading, and had the protection of the government,—

*Be it therefore enacted by the authority aforesaid,*

[SECT. 6.] That when any such person or persons shall come and reside in any town of this province for the space of twenty days, and bring any merchandize and trade, and deal therewith, the assessors of such town are hereby impowred to rate and assess all such persons according to their circumstances, pursuant to the rules and directions in this act directed, thò the rate may have been finished as aforesaid; and the constables or collectors are hereby enjoyned to levy and collect all such sums committed to them and pay the same into the town treasury. [*Passed June 29; published June 30.*]



# ACTS

PASSED AT THE SESSION BEGUN AND HELD AT BOSTON,  
ON THE SEVENTH DAY OF AUGUST, A.D. 1723.

## CHAPTER 9.

AN ACT IN AMENDMENT OF, AND ADDITION TO, AN ACT ENTITLED  
“AN ACT AGAINST RECEIVING STOL’N GOODS,” MADE AND PASS[ED]  
IN THE TENTH YEAR OF THE REIGN OF KING WILLIAM.

Preamble.  
1698, chap. 8.

WHEREAS the penalty provided in and by the Act against the receiving stol[le]n goods, hath not only proved [ineffectual][insufficient] to deter persons from committing the said offence, but the party injured is often defeated of his just satisfaction by the offender’s avoiding to make satisfaction, by suffering corporal punishment,—

*Be it therefore enacted by the Lieutenant-Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

Persons that  
receive stolen  
goods to be  
punished as in  
case of theft.

That for the future, all persons offending against the said law, and being thereof convict by due course of law, that shall not make restitution as awarded, shall be ordered by the justices or court that may have cognizance thereof, to make satisfaction by service, and be disposed of for that purpose, in like manner as is provided in case of theft, and be further punished by whipping, not exceeding twenty stripes, at the discretion of the said court. [*Passed August 24; published September 3.*]

## CHAPTER 10.

AN ACT IN ADDITION TO, AND FOR RENDERING MORE EFFECTUAL, AN  
ACT MADE IN THE TENTH YEAR OF THE REIGN OF KING WILLIAM  
THE THIRD, ENTITLED “AN ACT FOR PREVENTING OF TRESPASSES.”

1698, chap. 7.

WHEREAS the act or law already made for the preventing trespasses hath been found ineffectual for that purpose, so that a further provision is necessary to be made,—

*Be it therefore enacted by the Lieutenant-Governour, Council and Represen[tati]ves in Gen[era]/[1] Court assembled, and by the authority of the same,*

Fines for cutting  
trees, timber,  
underwood, &c.,  
without license.

[SECT. 1.] That from and after the publication of this act, no person or persons do or shall cut[t], fell, destroy or carry away any trees, timber, wood or underwood whatsoever, standing, lying or growing on the land of any others, or off or from the commons of any town, other than that to which he or they doth or do belong, or within the same town, having no right or privilege there, without leave or licence from the major part of the propriety of such commons, or the owner or owners of the land whereon such trees, timber, wood or underwood was standing, lying or growing; on pain that every person so cutting,

elling, destroying or carrying away the same, or that shall be aiding or assisting therein, shall, for every such trespass, forfeit and pay to the party or parties injured or trespass[ed] upon, the sum of forty shillings for every tree of one foot over, and for all trees of greater dimensions three times the value thereof, besides forty shillings as aforesaid; and twenty shillings for every tree or pole under the dimension of one foot diameter; and for other wood or underwood treble the value thereof; which sev[er]al penalties, forfeitures and damages shall [or] [and] may be recovered by action, bill, plaint or information, upon conviction of the trespasser or trespassers, as is hereafter specially provided and enacted, before any justice of the peace in the county where the trespass is committed, if the penalty or damage exceed not forty shillings; but if it be above that value then before the court of common pleas in the same county.

*And be it further enacted,*

[SECT. 2.] That if any person or persons shall throw or leave open any bar[r]s, gates, fence or fences belonging to or enclosing any lands held in propriety or common, or belonging to any particular person or persons within any town in this province, or that shall dig up or carry away any stones, oar, gravel, clay or land belonging to the proprietors of any common lands, or to any particular person or persons as aforesaid, shall, for every such trespass, upon conviction thereof as in and by this act is hereafter provided, forfeit and pay treble damages to the party or parties injured thereby, and also a sum not exceeding five pounds, according to the nature or aggr[avation] of the trespass, to be recovered in manner as aforesaid.

Fine for throwing open fences, gates, &c.

And for carrying away stones, ore, gravel, &c.

*And forasmuch* as it is very hard and difficult to detect and convict any trespasser or trespassers against this act, in the ordinary method or course of the law, by reason the trespasses are generally committed where positive evidences can scarcely ever be had.—

*Be it therefore further enacted by the authority aforesaid,*

[SECT. 3.] That, in case any dispute arise upon any action, bill, plaint or information, brought as aforesaid, where the plaintiff, complainant or informer shall charge the defend[ant] in trespass, for cutting, felling, destroying or carrying away any particular tree or trees, parcels of timber, wood or underwood, or for throwing down or leaving open any fence or fences, gates or bar[r]s, or for digging up or carrying away any stones, oar, gravel, clay or sand off or from any such lands as aforesaid, or of being aiding or assisting therein; then, and in such case, if the plaintiff, complainant or informer shall make oath, *bona fide*, that there hath been cut[t], fell'd, destroyed or carried away such and so many trees, parcels of wood or underwood, or that any fence or fences, gates or bars have been thrown down or left open, or that any stones, oar, gravel, clay or sand hath been dug up or carried away, as mentioned in the writ[t], and that he suspects the defend[ant] to have committed the said trespass,—and altho the plaintiff, complainant or informer may not be able to produce any other evidence thereof, than such circumstances as render it highly probable in the judg[ement] of the court or justice before whom the tryal is—then and in every such case, unless the defend[ant] shall acquit himself upon oath (to be administ[er]ed to him by the court or justice that shall try the cause), the plaintiff shall recover against the defend[ant] damages and costs; but if the defend[ant] shall acquit himself upon oath as aforesaid, the court or justice may and shall enter up judg[ement] for the defend[ant] to recover against the plaintiff double his costs occasioned by such prosecution.

*And whereas* several ill-minded persons, of late, as well in the night time as in the day (being disguised and painted), have pillaged and

committed great spoil in the cedar swamps and other lands, and have laid open the inclosures of particular persons by destroying the fences about them, not only to the great damage of the proprietors or persons interested, but also to the injury of the publick—

*Be it therefore enacted by the authority aforesaid,*

Punishments  
for persons dis-  
guised or paint-  
ed, that commit  
trespasses.

[SECT. 4.] That if any person or persons having their faces black'd, painted or any ways disguised, shall either by day or night commit any of the trespasses aforesaid, or shall beat and abuse any of his majestie's good subjects, and be thereof convicted by due course of law, such persons so trespassing shall, over and above the damages aforementioned in this act, be whip[t]d at the publick whipping post, not exceeding twenty stripes, as the nature of the trespass may require; any law, usage or custom to the contrary notwithstanding.

*Provided,*

Proviso.

[SECT. 5.] That nothing in this act shall be construed so as to debar or hinder the surveyo[u]rs of highways of doing any thing necessary and convenient in and about their duty as by law impow[er]d.

Term of the  
act's continu-  
ance.

[SECT. 6.] This act to continue in force for the space of three years after the publication thereof, and no longer. [*Passed August 27; published September 3.*]

## CHAPTER 11.

### AN ACT FOR PREVENTING ABUSES IN DISTILLING OF RUM AND OTHER STRONG LIQUORS, WITH LEADEN HEADS OR PIPES.

WHEREAS the strong liquors and spirits that are distill[e]d through leaden heads or pipes are judged on good grounds to be unwhol[e]-some[e] and hurtful; notwithstanding which some persons to save charge may be led into the making or using of such heads, worms or pipes; for remedy and prevention whereof,—

*Be it enacted by the Lieutenant-Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

No leaden  
heads or worms  
to be used in  
distilling, upon  
penalty.

[SECT. 1.] That no person whatsoever shall make use of any such leaden heads or worms, for the future; and that whosoever shall presume to distil, or draw off any spirits or strong liquors thro' such leaden heads or worms, upon legal conviction thereof before any of his majest[y]s courts of record, shall forfeit and pay a fine of one hundred pounds.

*And be it further enacted by the authority aforesaid,*

No braziers,  
&c., to make  
worms or heads  
of base pewter  
or lead.  
Penalty.

[SECT. 2.] That no brazier, pewterer or other artificer whatsoever, shall presume to make any worm or head, for distilling, of coarse and base pewter, or such as hath any mixture of lead in it, under the penalty of one hundred pounds.

*And be it further enacted,*

Assay-masters,  
their duty.

[SECT. 3.] That in each town within this province, where the distilling trade is carried on, it may be lawful for the inhabitants thereof, at their annual town meeting in March for choice of town officers, to choose two or more assay-masters, whose business it shall be to inspect and make tryal of any such heads and worms as shall be suspected by them; and if, upon their assaying and tryal of them, they be found to be made of lead or of other base mettall, or to have an alloy of lead or of other base mettall in them, they shall give notice thereof to the distiller or owner thereof, who is hereby forbidden to make any further use thereof in distilling, under the aforesaid penalty of one hundred pounds.

*And be it further enacted be the authority aforesaid,*

[SECT. 4.] That the assay-masters or inspectors are hereby impow- And power.  
ered to enter into any still-house or place where such utensils are sus-  
pected to be kept, and to cut[t] off so much of them as shall be needful  
to make an assay or tryal of them. And every distiller shall be ob- Assayer's cer-  
liged to produce a certificate under the hands of the assay-masters for tificate to be  
the time being, for all the pewter heads and worms which they shall produced.  
make use of in distilling, that they have been tryed and are approved  
of by them for good pewter, and that they have put their mark and  
number upon them, for which mark a stamp shall be forthwith prepared  
at the town charge; for which certificate, and every assay made by  
them, they shall be allowed by the distiller or owner of such heads and  
worms, the sum of five shillings; the said certificate, with mark and  
number, to be entered in the town clerk's book, for which service the  
town clerk shall be allowed sixpence.

*And be it further enacted by the authority aforesaid,*

[SECT. 5.] That all forfeitures and penalties arising by v[i][e]rtue Fines, how dis-  
of this act shall be the one half to the poor of the town where the offence posed.  
is committed, and the other half to him or them that shall inform and  
sue for the same.

*And further,*

[SECT. 6.] That C[a]pt. Thomas Smith, Mr. Jonathan Jackson and Assay-masters  
Mr. Jonas Clark, of Boston, be the first and present assay-masters for appointed.  
the towns of Boston and Charlestown, and that they, and all others here-  
after chosen to that office, shall make oath as follows; viz,—

“I, A. B., do solemnly swear that I will, to the best of my skill, prove and Assay-master's  
make tryal of all worms and still-heads within the town of C., that are used oath.  
or design'd to be made use of in distilling, that shall come to my knowledge,  
for which there is no certificate in the town clerk's book, and will make a  
true and faithful report thereof to the town clerk for the time being. So help  
me God.

*[Passed and published September 3.]*

## CHAPTER 12.

AN ACT FOR REPEALING PART OF THE ACT FOR THE FURTHER EN-  
COURAGEMENT AND REGULATION OF THE OFFICERS AND SOLDIERS  
RETAINED IN HIS MAJESTY[F][IE]'S SERVICE AND PAY OF THIS GOV-  
ERNMENT, AND FOR THE FURTHER CONTINUING THE REMAINDER  
OF THE SAID ACT.

WHEREAS, in and by an act made and pass'd in the ninth year of his Preamble.  
maj[est]ie's reign, entituled “An Act for the further encouragem[en]t 1722-3, chap. 12,  
and regulation of the officers and soldiers retained in his majestie's ser- § 1.  
vice and pay of this government,” it is among other things enacted,  
“That the captains and chief officers of each company shall receive all  
the provisions, stores and supplies for their respective companies, and  
give receipts for the same, and deliver them out to the soldiers under  
his or their command accordingly, and be allowed and paid out of the  
publick treasury for such his care and trouble, after the rate of three  
pounds per month for fifty men, and so in proportion”; and that “no  
officer or soldier retained in the service and pay of this government 1722-3, chap. 12,  
shall supply the soldiers with any stores whatsoever of their own, or § 2.  
otherwise than out of the supplies and necessaries sent from the pub-  
lic[k] treasury”; and that “the commanders who deliver out the said  
stores shall be under oath to supply the officers and soldiers according  
to the original invoices received of the treasurer, upon the forfeiture of

fifty pounds for either of the said offences ;” which method has by experience been found very inconvenient, and not to answer the good ends thereby design’d,—

*Be it therefore enacted by the Lieutenant-Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

Repeal of first two paragraphs [1722-23, chap. 12, §§ 1, 2.]

[SECT. 1.] That the aforesaid paragraphs of the said act be, and hereby are, repealed and declared void and of none effect.

*And be it further enacted,*

Treasurer to lay in provisions for forces in care of persons who will deliver them out to soldiers, and to transmit an account thereof, at first cost.

[SECT. 2.] That the treasurer or receiver-general for the time being, shall take care to lay in all suitable provisions, stores of war and supplies for the forces employed in the service of this government, and seasonably send them to such forts or garrisons as he shall be directed, to be by him put under the care and management of some discreet person or persons, who shall deliver them out to the officers and soldiers according to their stated allowance ; and that when and so often as the treasurer shall send slops and stores for the use and benefit of the officers and soldiers, he shall transmit an accompt, under his hand, of the sundry species and the prizes thereof, which shall be no more than the first cost, and the necessary charges thereon to be proportioned to each species : and, to prevent any abuse on this head, the price of all such goods shall be posted up at the garrison or place where the said stores are lodged or delivered out.

Prices of goods to be posted up.

Persons delivering goods to be sworn.

[SECT. 3.] And the person or persons giving out the said goods shall be under oath for the true and faithful performance of the duty and trust reposed in them by this act.

Soldiers to be supplied only from treasury.

[SECT. 4.] And no officer, soldier or person employed by the treasurer, shall supply the soldiers with any stores whatsoever of their own, or otherwise than out of those sent from the public[k] treasury.

*And be it further enacted by the authority aforesaid,*

Clauses in the part of the act continued, to be in force to the end of May session, 1726.

[SECT. 5.] That all and every the clauses, matters and things in the said act for the further encouragement and regulation of the officers and soldiers retained in his majesty’s service and pay of this government (excepting the part hereby repealed) shall be and continue in full force and vertue to the end of the session of the gen[era]l court in May one thousand seven hundred and twenty-six, and no longer. [*Passed September 21 ; published September 28.*]

## CHAPTER 13.

### AN ACT TO ENABLE THE PROPRIETORS OF THE TOWN OF SUTTON TO SUPPORT THE MINISTRY AMONG THEM.

WHEREAS the resident proprietors of the town of Sutton are not as yet able to bear the charges of supporting a minister among them without some further assistance, and what has been already advanced by the non-resident proprietors, who hold considerable tracts of land in the said township, has not been sufficient for the support of a minister there,—

*Be it therefore enacted by the Lieutenant-Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

That the selectmen or assessors of the said town of Sutton be, and hereby are, impowered to levy a tax upon the unimproved lands within the township of Sutton, after the rate of one farthing per acre, per



annum, for three years to come, on the resident and non-resident proprietors, for and towards the support of the ministry there, the lands belonging to the Indian proprietors at Hassanimiscoe excepted; and that the inhabitants settled on the farm called Collins's Farm, and the two farms lately granted to Elisha Hutchinson and Isaac Addington, Esq<sup>rs</sup>. dec<sup>d</sup>. be annex'd to the township of Sutton, so far as to be obliged to pay their proportion to the support of the ministry of Sutton, during the pleasure of this court; any law, usage or custom to the contrary notwithstanding. [*Passed August 24.*]

# ACTS

PASSED AT THE SESSION BEGUN AND HELD AT BOSTON  
ON THE TWENTY-THIRD DAY OF OCTOBER, A.D. 1723.

## CHAPTER 14.

AN ACT IN FURTHER ADDITION TO THE ACT FOR THE MORE EFFECTUAL PROVIDING FOR THE SUPPORT OF MINISTERS.

1702, chap. 10,  
§ 2.  
1715-16, chap.  
17.

WHEREAS, in and by an act made in the first year of the reign of her late majesty Queen Ann[e], entituled “An Act for the more effectual providing for the support of ministers,” the inhabitants of each district or precinct regularly set[t] off from any town, are impowered to chuse assessors for the assessing and raising a maintenance and support for the minister of such district or precinct, and other precinct officers, but no provision or direction is yet made in the law for the first calling and assembling the inhabitants of any district, precinct or parish regularly set[t] off from any town in the province, for want of which many inconveniencies have arisen and may still arise; for remedying whereof,—

*Be it enacted by the Lieutenant-Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

Justice of peace  
upon applica-  
tion to call pre-  
cinct meetings.  
2 Mass., 181.

[SECT. 1.] That it shall and may be lawful for any justice of the peace in the county where such precinct, district or parish, regularly set off as aforesaid, is, and such justice is hereby impowered, upon application to him made, by five or more of the freeholders of such precinct, district or parish, by writing under their hands, for calling of a meeting, to issue out a warrant for the assembling of such district, precinct or parish, as aforesaid, directed to one of the freeholders asking the same, requiring him to notify the freeholders and other inhabitants qualified by law to vote in town affairs, of the meeting and the time and place for the same; w[hi]ch notification shall be given in writing, posted up in some publick place or places within the said district, precinct or parish, fourteen days before the day appointed for the meeting.

[SECT. 2.] And such and so many of the freeholders and other inhabitants as aforesaid, that are assembled and met[t] accordingly, shall have power by a major vote to ch[oo][u]se a moderator, as also a cl[e][a]rk to enter and record all votes and orders that from time to time shall be made and pass[e]d in the said precinct, district or parish meetings, who shall be sworn to the faithful discharge of his office, as the law directs for the swearing of town officers; and further to ch[oo][u]se a committee for calling of meetings of the precinct, district or parish for the future.

Nothing to be  
passed but what  
is contained in  
the warrant.

[SECT. 3.] And no other affair shall be transacted at any such meeting, than what is express[e]d in the warrant or notification for such meeting. [*Passed December 24, 1723; published January 1, 1723–24.*]

## CHAPTER 15.

AN ACT IN ADDITION TO AN ACT MADE AND PASS'D AT A SESSION OF THIS COURT IN AUGUST LAST, ENTITULED "AN ACT FOR PREVENTING ABUSES IN THE DISTILLING OF RHUM AND OTHER STRONG LIQUORS WITH LEADEN HEADS OR PIPES.

WHEREAS some persons do presume to make use of worms and still-heads made of base or mix'd metal, notwithstanding the good and whol[some] law made to the contrary; to prevent which, and their being sent to other parts or places, to the endangering his majesty's subjects there,—

*Be it enacted by the Lieutenant-Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

[SECT. 1.] That the sheriff of the county where the distilling trade is carried on, or such other person as he shall depute to that service, shall be and are hereby fully authorized and required, as often as there shall be occasion, and in the daytime, to enter into any still-house or other house where any such heads or worms of base metal are justly suspected to be, and, wheresoever they shall be found, the same to saw asunder and break to pieces, so as to render them entirely useless and unfit for distilling; the officer to be paid by the owner of such head or worm five shillings, or else to have satisfaction out of the metall.

Preamble.  
1723-4, chap. 11.

Sheriff and his officers empowered to enter into still-houses, &c.

To break to pieces heads and worms of base metal.

[SECT. 2.] And no owner or occupier of any still-heads or worms shall deny entrance as aforesaid, to any officer appointed as aforesaid, or refuse to expose to his view, and to submit to his operation, according to the true intent and meaning of this act, all the worms and still-heads in the custody of such owner or occupier, on penalty of forfeiting the sum of one hundred pounds.

All persons to submit to their operation, under penalty.

*And be it further enacted by the authority aforesaid,*

[SECT. 3.] That whenever the assay-masters have view[ed], tried and proved any worm or head as aforesaid, and the distiller or owner thereof cannot or will not shew the mark and number, and produce the certificate of its being good, and made of fine pewter, to the officer, when demanded, it shall be deemed to be made of base metall, and so by him be render[ed] useless, and destroyed.

Stills to be deemed bad, unless the owners show the mark and certificate.

*And inasmuch as copper worms cannot be cleansed from the filth and canker which they necessarily contract, and for that reason must needs be very unwhol[some],—*

*Be it therefore enacted by the authority aforesaid,*

[SECT. 4.] That the officers appointed shall be, and hereby are, impowered and required, in like manner, to destroy all copper worms within their precincts; and no person shall presume to transport by sea or land to any other town or place any such worm or still-head of base metall as aforesaid, under the aforesaid penalty of one hundred pounds.

Copper worms to be destroyed.

No worms or heads of base metal to be transported, under penalty.

[SECT. 5.] And all forfeitures and penalties to be recovered by virtue of this act, shall be one half to the poor of the town where the offence is committed, the other half to him or them that shall inform and sue for the same.

Penalties, how disposed of.

[SECT. 6.] This act to continue and be in force for the space of five years from the publication thereof, and no longer. [Passed December 24, 1723; published January 1, 1723-24.]

Term of this act's continuance.

## CHAPTER 16.

AN ACT TO ENABLE SAMUEL SPRAGUE, BEN[JAM\*]IN HAMMOND AND JOHN BRIGGS, IN BEHALF OF THE [TOWN\*] OF ROCHESTER, TO DISPOSE OF A SHARE OF LAND CONSISTING OF [A THREE\*]-AND-THIRTIETH PART OF THE SAID TOWNSHIP, WHICH WAS DEVOTED TO THE USE [OF THE MINI\*]STRY, THEY LAYING OUT THE PRODUCE THEREOF IN PURCHASING OTHER LANDS [IN THE TOWN\*] OF ROCHESTER FOR THE USE OF THE MINISTRY THREE[OF].

[WHE\*]REAS it appears to this court by the petition of Samuel Sprague, Benjamin [Hammond\*] and John Briggs, that the proprietors and first purchasers of Rochester devoted [one\*] whole share of land, consisting of a three-and-thirtieth part of the said [t\*]ownship for the use of the ministry, but in regard the same is laid out in [s\*]mall parcels, and cannot be so beneficial as if they lay in greater quanti[t\*]ies suitable for convenient farms, and so the intent of the donors not so well answered,—

*Be it therefore enacted by the Lieut[enant]-Governor, Council and Representatives in General Court assembled, and by the authority of the same,*

That the said Samuel Sprague, Benjamin Hammond and John Briggs, be, and hereby are, empower[*e*]d to sell and dispose of the said share of land laid out in several[*l*] lots or small parcels as aforesaid, and to execute a good deed or deeds, in the law, for the same, and that they lay out the whole produce thereof in purchasing other lands, in the said town of Rochester, for the use of the ministry there; they, the said Samuel Sprague, Benja[*min*\*] Hammond and John Briggs, first giving security to the treasurer of [the tow\*]n of Rochester aforesaid, for the use of said town, to the [value\*] of twelve hundred pounds, on condition that they shall and will, with[in th\*]e space of one year after sale made of the aforesaid lot[t\*]s [or\*] parcels of land, with the produce thereof purchase other lands for the use of the ministry; any law, usage or custom to the contrary notwithstanding. [*Passed December 19.*]

## CHAPTER 17.

AN ACT TO ENABLE THE TOWN OF LEICESTER TO ASSESS AND LEVY EXECUTION UPON THE PROPRI[ETO\*]RS OF THAT TOWN FOR PAYMENT OF THE MINISTERIAL CHARGES.

WHEREAS the selectmen of the town of Leicester are empowered by a resolve of this great and general court, to levy a tax of one half-penny, yearly, upon each acre of all the lands within that township, for the term of three years, for defraying the ministerial charge of the said town, but no provision is therein made how the same shall be recovered in case any of the absent proprietors neglect or refuse to pay the s<sup>d</sup> tax,—

*Be it therefore enacted by the Lieutenant-Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

[SECT. 1.] That after the rates in the town of Leicester are made certain, and committed to the constable or collector, and any person or persons, owners or proprietors of any part of the lands within that

township, and living out of the province, shall neglect or refuse, after sixty days' notification by publick advertisement to be put up upon the meeting-house door of the said town, and in the publick "Boston News-Letter," to pay his, her or their rate or rates aforesaid, in every such case the [con\*]stable or collector to whom the rate is committed shall and may extend, on [the\*] lands of such refusing or neglecting person or proprietor, the amount [o\*]f his, her or their rates, and take into his possession for the use of the town, such or so much of the lands so extended on as shall be valued at the worth of the rates, to be appraised by three indifferent persons of the neighbouring towns, to be appointed and sworn by a justice of the peace.

[SECT. 2.] And in case the owner or owners of such lands as have been extended on as aforesaid, shall not within the space of three years next after, pay or cause to be paid the whole rate so levied and extended, with all the charges arising thereon by reason of such refusing or neglect, the selectmen may, and hereby are empowered to, sell and dispose of such lands absolutely, and give good and sufficient deeds in the law therefor; any law usage or custom to the contrary notwithstanding. [*Passed December 20.*]

NOTES.—There were four sessions of the General Court this year; but at the fourth session, which was held April 22, 1724, and dissolved the next day, no acts were passed.

The engrossments of all the acts of this year are preserved, except of chapter 16, which is somewhat mutilated by mice. Chapters 7, 8, 13, 16 and 17 were not printed with the sessions acts.

The following are the titles of the private acts passed this year:—

"An Act to Enable Nicholas Moorecock to file his Complaint at his Maj<sup>ty</sup>s Superiour Court of Judicature held at Boston within & for the County of Suffolk for Confirming a Judgement of an Inferiour Court of Common pleas held at Boston on the first Tuesday of July 1722, obtained against Elizabeth Davis."—[*Passed June 5.*]

"An Act to Enable Caleb Spurrier of London Merchant late Resident in Portsmouth in his Majesties Province of New-Hampshire, to Review an Action (originally brought by him against John Butler of George Town in the County of York Inn-holder) at the next Superiour Court of Judicature to be holden for the County of York."—[*Passed August 24.*]

"An Act to Enable Bartholomew Jackson of Marblehead in the County of Essex, Physician to file Reasons & prosecute his Appeal at the next Superiour Court of Judicature to be holden at Salem for the County of Essex on the last Tuesday in October next from a Judgement of an Inferiour Court of Common Pleas holden at Salem in the County of Essex on the last Tuesday of December last past, obtained against him by Nicholas Andrews & Mary his Wife as they were Administrators *de Bonis non* to the Estate of Samuel Reed late of Marblehead Dec<sup>d</sup>."—[*Passed August 24.*]

"An Act for Enabling Patience Copp of Boston in the County of Suffolk Widow, as she is Guardian to Charles Short & Katherine Short Minors under the Age of Twenty one Years to Make Sale of the Right & Interest of the said Minors in a Piece of Land and Flatts in the South End of Boston."—[*Passed August 28.*]

"An Act to Enable the Justices of his Majesties Superiour Court of Judicature to Chauncer a Judgement recovered by Nathaniel & Timothy Halloway against Jared Talbot Esq<sup>r</sup>."—[*Passed August 30.*]

"An Act for the Confirming & more sure Making to Samuel Brown of Rowley in the County of Essex Husband Man & to his Heirs for Ever certain Housing & Lands within the Towns of Rowley & Bradford granted to him by his Father John Brown late of said Rowley Yeoman Dec<sup>d</sup>."—[*Passed December 16.*]

"An Act to Enable Francis Moore of [Bo\*]ton Carpenter Guardian of William Cook a Minor [Son of\*] William Cook late of said Boston Mariner & Lydia his Wife [both\*] Deceased Intestate to sell their Part of a certain House & Land in Boston."—[*Passed December 20.*]

"An Act in Addition to a private Act Entitled An Act to Enable Bartholomew Jackson of Marblehead in the County of Essex Physician to file Reasons & prosecute his Appeal at the next Superiour Court of Judicature to be holden at Salem for the County of Essex on the last Tuesday of October next from a Judgement of an Inferiour Court of Common Pleas holden at Salem in the County of Essex on the last Tuesday of December last past obtained against him by Nicholas Andrews & Mary his Wife as they were Administrators *de Bonis non* &c. to the Estate of Samuel Reed late of Marblehead Dec<sup>d</sup>."—[*Passed December 20.*]

"An Act to Enable Isaac Little of Marshfield in the County of Plymouth, Esq<sup>r</sup> to bring forward a further Writ of [Re\*]view against Joseph Mallinson [of Bo\*]ston in the County of Suffolk Merchant [at t\*]he Superiour Court of Judicature to be holden at Plymouth [on\*] the last Tuesday of April next of a Judgment of the Superiour Court holden at Plymouth on the last Tuesday of April last and for a New Tryall of the Said Cause."—[*Passed December 23.*]

"An Act to Enable Cpt. Josiah Winslow, & his son Josiah Winslow & Elisha Black-



man to Contest in the Law at the next Superiour Court of Judicature to be holden at Bristol within & for the County of [Bristol\*] the Validity of a Rule of Court by them enter'd into, the Award of the [Referee]s & the Judgement of the sd Court thereupon."—[*Passed December 24.*]

"An Act to Revive the Appeal of Benjamin Blackstone and George Felt."—[*Passed December 24.*]

"An Act for Taking off the Entail upon certain Estates in the County of Essex late the Estates of Nathaniel Saltonstall of Haverhill in said County Esq<sup>r</sup> Dec<sup>d</sup> Which he was seized of as Tenant in Tail."—[*Passed December 24.*]

The acts of this year, except chapters 5, 6, 7, 13, 16 and 17, were included in the list of acts sent, by order of the Board of Trade, to Mr. West for his opinion thereon, Oct. 15, 1724, as acts which had "not been already considered by the Board." Mr. West reported, May 18, 1725, that he had no objection to chapters 1, 2, 3, 4, 9, 11, 12. His comments on chapter 10 are given in the note to that chapter, *post*. Chapters 14 and 15 were submitted, August 11, 1726, to Mr. Francis Fane, who succeeded Mr. West as Counsel to the Board of Trade, the latter having been appointed Chancellor of Ireland. Mr. Fane reported, December 29, 1726, that he had no objection to the acts submitted to him. The acts of this year were again brought before the Board in 1735, and ordered to "ly by."

*Chap. 8.* All the proceedings of the several departments of the Home Government upon this act are given in the note to 1722–23, chapter 8, *ante*. This act was complained of before the Privy Council by the agents of the inhabitants of Dartmouth and Tiverton; but, as no copy of the act had been officially lodged with the secretary of the Board of Trade, or otherwise properly brought to the notice of the Privy Council, when the act of 1722–23 was taken up, the latter declined to act upon it. Pending the discussion by the Privy Council of the tax act of 1722–23, however, the tax act of this year was received, but not in season for its progress through the usual routine, before the order in council releasing the prisoners was issued. It would seem that the order in council was deemed, here, applicable to both acts, and that no further proceedings were had against the intractable assessors.

*Chap. 10.* "This Act introduces a strange kind of wager of Law, by the single oath of either Plaintiff or Defendant in cases of Trespass, and as it manifestly tends to the encrease of perjury and is a practice not known to the Law of England, I am of opinion it is not proper to be passed into Law"—*Report of Mr. West*; "*N. E., Board of Trade*," in *Pub. Rec. Office*, vol. 23, B. b. 133.

The following proceedings of the House and Council upon the resolve of the first session, for the supply of the treasury, is thought sufficiently important to be given in full:—

"June 22, 1723. A Draught of a Resolve for Emitting the Sum of Twenty Thousand Pounds in Bills of Credit on this Province being pass'd in the House of Representatives was sent up for Concurrence & after a full Debate in Council was Concur'd with divers Amendments And being sent down The House disagreed to the Amendments & Adhered to their Vote And the Board Resolved to insist on their Amendments."—*Council Records*, vol. XI., p. 510.

"June 26, 1723. In the House of Representatives Whereas this House came into a Vote for Supply of the Treasury on the 21st Instant & sent it up to the Hon<sup>ble</sup> Board for Concurrence, And this Day that Vote came down Concur'd with several Amendments W<sup>ch</sup> were Read & Non-Concur'd *Nemine contradicente* & the House adhered to that Vote & sent it up to the Board, Who insisted on their Amendments.

ORDERED that the further Consideration of that Matter be continued to the next Session, That the sev<sup>l</sup> Towns may be thoroughly acquainted with the sd. Vote as Insisted on by the House as well as the Amendments (so call'd) proposed by the Council, And that the Articles of Grievance (with the aforesaid Votes of the House & the Hon<sup>ble</sup> Board) be forthwith printed for the better Informing the People whom the House represent."—*Ibid.*, p. 515.

"June 26, 1723. In Council; It being evident to this Board That the Continuing the further Consideration of the Supply of the Treasury to the next Session (as is proposed in a Vote sent up from the Hon<sup>ble</sup> House this day) will be extremely prejudicial to the Interest & Safety of this Province Especially in this Time of War when so great a Number of Officers & Soldiers (whose Dependence is on their Wages for Subsistence) will be thereby cutt off from present Means of Supply & when the Coast is so often infested with Pirates; The Board therefore desire the Hon<sup>ble</sup> House would not delay to make the necessary Provision for the Discharge of the publick Debts & are very ready to Concur therein so far as it shall appear to them practicable & consistent with their Duty & Trust & most consistent with the Charter & y<sup>e</sup> true Interest of the Province,—The Board cannot but express their great Surprize at the Vote sent up this Day, The direct tendency thereof being to keep up a Misunderstanding between the Council & House of Representatives & to misrepresent the Members of the Council to the People of the Province & to subvert the very Foundations of Government And must needs think the most amicable Method to prevent Misunderstandings & remove apprehended Difficulties to be a Conference W<sup>ch</sup> the Council are alwaies ready to come into:—Sent down by W<sup>m</sup> Tailor, Penn Townsend, John Cushing, Sam<sup>l</sup> Brown and John Turner Esq<sup>s</sup>."—*Ibid.*, p. 516.

"June 28, 1723. The following Message came up from the House of Representatives Viz., Upon mature Consideration of a Message from the Hon<sup>ble</sup> Board sent down this Day Relating to a Vote of the House for further Continuing the Consideration of the Supply of the Treasury &c. The House look upon themselves strictly obliged to make the following Declaration thereon.

This House having been alwaies ready and willing to Supply the Treasury with such

\* The parchment is mutilated by mice.

Sums of Money as would both Honourably & seasonably discharge the Govern<sup>t</sup> Debts, did some Days past come into a Resolve for that Purpose under such Restrictions & Limitations only as were upon very good Grounds & Reasons As by a Review of the several Sums drawn upon the Treasury no ways conformable to the Resolve of this Court & some After paym<sup>t</sup> had been denied & therefore Voted Grievances by the House, Might be made most conspicuous; And in as much as the aforesaid Restrictions & Limitations are no Ways Disagreeable to the Powers granted the Gen<sup>l</sup> Court in & by the Royal Charter, Had therefore the Hon<sup>ble</sup> Board pass'd a Concurrence thereon, We humbly conceive in so Doing they would have answer'd the great Trust reposed in them & the publick Affairs promoting the true Interest & Establishing the Welfare & Prosperity of this Province very much dis-patch'd.

The House can not but greatly resent the Expressions of the Hon<sup>ble</sup> Board, Intimating that what the House did, had a direct Tendency to create & keep up a Mis-understanding between the Council & the House more especially to Mis-represent the Members of the Council to the People of the Province, For had the Council in their Advice to the Govern<sup>t</sup> respecting the Draughts upon the Treasury Pursued the Rules prescribed by the General Court, of whom they are one Branch & Consenting thereto, There would have been no such just Remarks made by the House upon them Articles; But for our Principals to be acquainted with these Things, We can not deem it to be a Misrepresenting the Members of the Board much less Subverting the very Foundations of Government, Since the aforesaid Articles of Grievance are plain Matters of Fact & Truth.—It shall ever be our Study to use all proper & safe Methods for the Keeping up & Cultivating a good Harmony between the two Houses. Yet are of Opinion that a Conference on this Subject Matter to be altogether inconsistent with the Powers, Privilege & Usage of the House of Represent<sup>es</sup> And to Manifest our Readiness & Sincerity to comply herewith, have Agreed upon a Resolve for Supply of the Treasury in another Form."—*Ibid.*, p. 520.

"June 28. 1723. A new Draught of a Resolve for Supply of the Treasury came up from the House of Represent<sup>es</sup> W<sup>h</sup> being Read at the Board was Concur'd with divers Amendm<sup>ts</sup> W<sup>h</sup> being Read in the House, were not Agreed to."—*Ibid.*, p. 523.

"June 29. 1723. The following Message came up from the House of Represent<sup>es</sup> by Mr Speaker, the Clerk of the House & divers other Members: Viz., That it is the Duty & Interest of the House of Represent<sup>es</sup> to take all possible Care that the Treasury be seasonably & sufficiently supplied to answer the just Debts of the Govern<sup>t</sup> for which the publick Faith is plighted is what We heartily & unanimously Agree to, And to effect so necessary a Matter the House did pass a Resolve for a Supply of the Treasury W<sup>h</sup> was Concur'd by the Hon<sup>ble</sup> Board with such Amendm<sup>ts</sup> as they could by No Means come into, The House hoping to accomodate that Difference, agreed upon another Resolve for Supplying the Treasury & sent it up for Concurrence: The Board Concur'd that Vote also with Amendm<sup>ts</sup> W<sup>h</sup> were Read and Debated in the House & Pass'd a Non Concurrence *Yemine Contradicente*; The Amendm<sup>ts</sup> of the Board (as they are pleased to term them) are such as the House cannot possibly Agree to, Unless they supposed they have answer'd the Duty & great Trust reposed in them by the People whom they represent to supply the Treasury & leave the Disposition thereof entirely with the Govern<sup>t</sup> & Council, The aforesaid Amendm<sup>ts</sup> having a direct tendency thereunto: And in as much as there is no Probability of an Agreem<sup>t</sup> at present The House having done all that in them lies with Security to the Rights, Privileges & Estates of his Majesties good Subjects here, Wherefore, Ordered that a Message be sent up to His Honour the Lieut. Gov<sup>r</sup> to acquaint him that the House are extremely desirous to rise this day.

In Council: For as much as the Council & House of Represent<sup>es</sup> are not agreed on any Vote for Supply of the Treasury And it being much for the Honour & Interest of the Govern<sup>t</sup> that the publick Debts be speedily paid

ORDERED that a Message be sent to the Hon<sup>ble</sup> the House of Represent<sup>es</sup>. To desire they would now proceed to make the usual Allowances & to pass a vote for such Supply of the Treasury as shall be suffi[cie]nt to pay the Sums granted & allowed by this court."—*Ibid.*, p. 526.

"July 1. 1723. The following Message was sent down to the House of Represent<sup>es</sup> Viz.,—

The Board cannot but express their great Concern to find themselves by the Message of the Hon<sup>ble</sup> House on Fryday last Accompanying the Resolve for the Supply of the Treasury laid under an inevitable Necessity to make a further Answer in their own Vindication.

The Council are sorry to find that the House make so great a difficulty to come into the Amendm<sup>ts</sup> proposed by the Board, when they are so Agreeable to the Method practiced upon for so many Years with good Success & much for the Service & Advantage of the Govern<sup>t</sup> & when the dishonourable Restrictions made now & of late by the House have been found by Experience to perplex the publick Accounts, to bring the Govern<sup>t</sup> into considerable Difficulties & to lay a Foundation for what the House call Grievances, And it cannot be thought but that the Affairs of the Province must be much obstructed & its Safety exposed, If the Govern<sup>t</sup> & Council shall be Disabled (Let the Exigency be never so great,) from Doing what is necessary for its Preservation & Protection at all Times, but when the Gen<sup>l</sup> Court is sitting; And in as much as We look upon ourselves no less bound by the Tyes both of Duty & Interest than the House of Represent<sup>es</sup> to promote the best Good of the Province & the Welfare of those whom the House so often term their Principals, We can not but be deeply affected at the groundless Jealousys & Suspicions of our Fidelity w<sup>h</sup> are Couched in the Vote aforesaid, We having made no Draught at any time upon the Treasury, but when it appear'd to us That Equity & the Support of the Govern<sup>t</sup> called for it: Of which a Conference (If the House had thought fit to come in to it) might probably have given full Satisfaction.

Wherefore the Board desire this Court may now proceed in their known & long experienced Method of Emissions & Ordering Draughts on the Treasury W<sup>h</sup> may be done without Leaving the Disposition thereof entirely with the Govern<sup>t</sup> & Council, As in the Message of Saturday last from the House to his Honour the Lieut. Gov<sup>r</sup> is insinuated since very

near the Whole of the Emission will be necessarily applied to answer the Grants & Allowances made by this Court & the publick Debts already contracted."—*Ibid.*, p. 527.

(a.) "July 2. 1723. In the House of Representatives Pursuant to the Directions in the Royal Charter in that Clause or Paragraph Impowering the General Court to Impose & levy proportionable Assessments. Rates & Taxes.

RESOLVED that the Treas<sup>r</sup> be & hereby is Directed to Issue forth & Emit the Sum of Twenty Thousand Pounds in Bills of Credit on this Province for the necessary Defence & Support of the Govern<sup>t</sup> & the Protection & Preservation of the Inhabitants thereof, to be issued & disposed of by Warrant under the Hand of the Govern<sup>r</sup> or Commander in Chief for the Time being with the Advice & Consent of the Council: All w<sup>ch</sup> Sum shall be applied for the Uses Intents & Purposes in this Act hereafter express'd; Viz., For the Payment of all Grants, Premiums & Stipends established by Law, for the Defraying & Paying the Charges of Castle William & other Forts & Garrisons, Transports, Muster Rolls of Soldiers & Sailors, Allowances & all other Accompts of Charge already made or Pass'd, or w<sup>ch</sup> shall be made or pass'd on for Paym<sup>t</sup> by this Court: And the sd. Bills shall pass out of the Treasury at the Value therein express'd Equivalent to money: & shall be so taken & Accepted in all publick Paym<sup>ts</sup> And that the Duties of Impost & Excise shall be a Fund & Security for the Repaym<sup>t</sup> & Drawing in the sd. Bill into y<sup>e</sup> Treasury again, so far as that will reach;

And as a further Fund & Security for the same, Resolved that there be & hereby is Granted to His most Excellent Majesty for the Ends & Uses aforesaid & for no other Ends & Uses whatsoever a Tax of Three Thousand Pounds to be levied upon Polls & Estates both Real & Personal within this Province according to such Rules & in such Proportion upon the several Towns & Districts within the same as shall be Agreed on & Ordered by the Great & General Court or Assembly of this Province at their Session in May One Thous<sup>d</sup> seven Hundred & twenty five & paid into the Treasury on or before the last Day of December next after.

And that the further Sum of Three Thousand Pounds be levied upon Polls & Estates both Real & Personal within this Province according to such Rules & in such Proportion upon the sev<sup>l</sup> Towns and Districts within the same as shall be Agreed on & Ordered by the Great & General Court or Assembly of this Province at their Session in May One Thous<sup>d</sup> seven Hundred & twenty-six & paid into the Treasury on or before the last Day of December next after.

And that the further Sum of Fourteen Thousand Pound, being the Remainder of the afores<sup>d</sup> Twenty Thous<sup>d</sup> Pounds be levied upon Polls & Estates both Real & Personal within this Province according to such Rules & in such Proportion upon the several Towns & Districts within the same as shall be Agreed & Ordered by the Great & General Court or Assembly of this Province at their Session in May One Thous<sup>d</sup> seven Hundred & Twenty seven & paid into the publick Treasury on or before the last Day of December next after.

In Council; Read & Concur'd—  
—*Ibid.*, p. 531.

Consented to W<sup>m</sup> DUMMER."

The controversy upon the form of the resolve for supply of the treasury was renewed when another resolve for that purpose was offered at the third session. The proceedings were as follows:—

"December 14. 1723. A Resolve came up from the House of Representatives for Emitting the Sum of £20,000, in Bills of Credit; W<sup>ch</sup> being read in Council, Several Parts or Articles thereof were Disagreed to, And The following Message was sent down to the House of Representatives. Viz.,

The Board taking into Consideration the Resolve of the Hon<sup>ble</sup> House of the 12<sup>th</sup> Instant for Supply of the Treasury, Observe the several Clauses therein w<sup>ch</sup> appear to be very inconvenient. The first in these Words [Allow'd or pass'd on for Payment by this Court] The Effect of w<sup>ch</sup> If agreed to will be not only to incumber the General Court with very minute & inconsiderable Accompts of Charge, & draw out the Sessions, as has been of late experienced, to an unusual & tedious Length both to the great Increase of the publick Charge & the vast Detriment of the Members that attend the same, but will also prove extremely prejudicial to particular Persons that are necessarily employed in the publick Service, Who by Means hereof will be often kept a long Time out of their just Dues; Of w<sup>ch</sup> heavy Complaints have been already made, & the publick Credit thereby much impaired; And the Board are well assured that by the Practice of late used, for every Account & Muster Roll to pass the Examination of y<sup>e</sup> whole Court, More would be found upon a just Computation to have been lost than saved to the Province; And the Council judge they cannot in Duty to their Country Consent to the Resolve as it now stands, lest they thereby incapacitate themselves to act what may be necessary for the Defence of the Govern<sup>t</sup> & the Protection & Preservation of His Majesties good Subjects within the same; W<sup>ch</sup> important Trust by the Constitution During the Recess of the Court is devolved on them:

As to the second [In the Issuing out £500 for Expresses & unforeseen Charges] it is entirely restrain'd to the Recess of the General Court, W<sup>ch</sup> if the Council should agree to, they would utterly disable themselves from Paying any thing tho of the smallest Value, for Services done by their Direction for the Province while the Court is sitting, W<sup>ch</sup> is a Restriction not known to be imposed on any Government whatsoever and so mean & dishonourable in itself, That the Board cannot but take it very unkindly that the House should offer it to them:

As to the third [That the several Draughts should express out of w<sup>ch</sup> of the two Sums the Money should be paid] The Council look upon it a groundless Distrust & Jealousy of the Justice & Fidelity of the Board & that it tends to bring a needless Difficulty & Inconvenience on y<sup>e</sup> publick Affairs.

Upon the Whole the Board being alwaies willing to use the softest Methods, have chosen Not to pass a Non Concurrence upon the Resolve but rather to send it down with their

Objections to it, Desiring the House will reduce it to the ancient & usual Form, W<sup>ch</sup> has been so long practiced upon with Honour & Safety to the Province."—*Council Records*, vol. XII., p. 109.

"Dec. 16, 1723. In the House of Representatives The House having taken into their serious Consideration the Message of the Hon<sup>ble</sup> Board of the fourteenth Instant, respecting the Resolve for Supply of the Treasury are of Opinion That the said Resolve in the several Clauses thereof contains Nothing but what the Board have hinted heretofore on the like Occasion & has been answer'd by the House & then the Supply of y<sup>e</sup> Treasury Agreed on by the whole Court, Conformable to that last sent up, W<sup>ch</sup> is founded on y<sup>e</sup> Powers & Directions in the Royal Charter for Granting Rates & Taxes; The first Objection made by the Board is against these Words [Allowed or Pass'd on for Payment by this Court] 'For that the Effect thereof would incumber the Business of this Court & prove extremely prejudicial to particular persons &c.' W<sup>ch</sup> Observation the House is of Opinion is not well founded, For that the General Courts Auditing the particular Accounts of Persons (tho some are but small) does not much prolong the Sessions, nor is at present the Reason of any ones being kept out of their just dues or the publick Credit impaired; If the Treasury be supplied with publick Credit seasonably, No one will have occasion to complain on that Head; But it seems strange if the House desire the Examination of all Accounts of Charge before they pass for payment, that they should be denied, More especially Considering they represent the People, Who by their Rates & Taxes supply the Treasury; but should the Method now practiced by Examining the several Accounts detain the Court some Days, Yet our Principals being well pleased that all Accounts should be examined by the House of Representatives before any Order be pass'd for Payment & therefore They & We account it a good wholesome Practice & not to be parted with.

As to the second Reason assigned by the Hon<sup>ble</sup> Board for Not Coming into the Supply as sent up; Viz., 'That they shall be incapacitated thereby from Doing what may be necessary for the Defence of the Govern<sup>t</sup> &c.' The House is of Opinion, That in as much as no such Difficulty or Inconvenience has been experienced & more especially Considering that the Intermission between this & the next Session of this Court will not be long That this Govern<sup>t</sup> will be defended & His Majesties Subjects preserved & protected without any great Inconvenience or Damage.

The next Objection relates to the Restriction of the Five Hundred Pounds for Expresses &c., to the Recess of the Court, W<sup>ch</sup> they are pleased to term mean & dishonourable; To w<sup>ch</sup> the House say, The Matters of the Smallest Value have never been insisted on in this Case. But whilst the Court is sitting, They are of Opinion, That the House ought to be Advised with especially in Pecuniary Matters, & think y<sup>e</sup> Board cannot Accompt it mean & dishonourable so to do.

As to the third, Viz., That the several Draughts should express out of w<sup>ch</sup> Sum they should be paid &c., The House cannot apprehend such a groundless Jealousy or Distrust of their Fidelity necessarily implied much less design'd therein, For as much as it might be only to Direct the Treasurer in Charging the same to the proper Account it belongs Or it be (as indeed it is design'd to be) a safe Method in Case of any Alterations or Changes that may come, When Precedents may be Urged as strong Arguments to fall into the Practice now pleaded for by the Board, Neither are We sensible of any great Difficulty or Inconvenience brought on our publick Affairs by the proposed Compliance. Upon the Whole the House being always ready & willing to take the best Methods for the Safety & Benefit of the Province, Do therefore desire the Hon<sup>ble</sup> Board upon more mature Consideration to Concur with them in the Resolve now proposed, As being the best Way to secure to us & our Posterity one of those valuable Privileges w<sup>ch</sup> by our happy Constitution we now enjoy; Sent up & read in Council."—*Ibid.*, p. 116.

"Dec. 19, 1723. A Vote pass'd in Council for a Conference with the House of Representatives on the Matters in Difference respecting y<sup>e</sup> Supply of the Treasury; W<sup>ch</sup> Vote being sent down to the House was Read & Non-Concur'd by them."—*Ibid.*, p. 120.

"Dec. 20, 1723. The Vote of the House for Supplying the Treasury came up with the most of the Amendm<sup>ts</sup> of the Board disagreed to, & the Vote insisted on.

In Council; Read & the Board Adhere to their Amendments."—*Ibid.*, p. 122.

"Dec. 24, 1723. The Vote for Supply of the Treasury as pass'd on by the Council with Amendments.

In the House of Representatives Read, And the House insist on their own Vote, For that on mature Consideration being had on the said Resolve, The House are truly of Opinion That the same is Agreeable to the Rules & Directions prescribed in the Royal Charter for the General Courts Imposing & Levying Rates & Taxes, And so cannot but think it reasonable, That as the People whom we represent, are by the said Resolve obliged to pay the Sum granted, The Appropriation thereof is what the House justly claim & have been in the Practice of, And the House being well satisfied that they have herein done their Duty by Ordering a Sufficient Sum, Agreeable to the Powers & Privileges they hold by the Royal Charter So they cannot in Justice to themselves nor in Faithfulness to their Principals recede from the said Resolve, But desire the Hon<sup>ble</sup> Board would reconsider their Vote, That so a speedy & happy Conclusion may be brought to the Session.

In Council; Read & the Resolve for the Supply of the Treasury being Re-Considered, Was Non-Concur'd."—*Ibid.*, p. 130.

"Dec. 25, 1723. In Council; The Board having in Compliance with the Desire of the Hon<sup>ble</sup> House in their Message of Yesterday again taken into their Consideration the Resolve for Supply of the Treasury, do find themselves more than ever obliged to insist on their Amendment, For that the further We compare it with the Rules & Powers in the Royal Charter the more consonant We find it thereto, The Clause for Raising of Taxes being in these Words, 'We do Give & Grant &c.' That the General Court or Assembly shall have full Power & Authority to Impose & Levy proportionable & reasonable Assessments, Rates & Taxes upon the Estates & Persons of all & every the Proprietors or Inhabitants of Our said Province or Territory, To be Issued & Disposed of by Warrant under the hand of the Govern<sup>t</sup> of Our said Province for the Time being with the Advice & Con-



sent of the Council for our Service in the necessary Defence & Support of our Govern<sup>mt</sup> of our said Province or Territory & the Protection & Preservation of the Inhabitants thereof according to such Acts as are or shall be in Force in Our said Province:—Now for the House to argue that because the General Court have Power to Impose & Levy Taxes & the People are obliged to pay the Sum Granted, Therefore they may justly claim the Appropriating & Restricting thereof in such a Manner as in the said Resolve is express'd, is an Inference so strange & foreign as no rational Construction of the Words will allow; Whereas the Amend<sup>mt</sup> made by the Board will be found upon due Examination not only to correspond with the Words of the Charter & the manifest Intention thereof, but also best to serve the true Interest of the Province, And if an Argument in this Case is to be drawn from Practice, The Board have vastly the Advantage on their Side, For the like Method with what is proposed by the Council has been practiced upon for near twenty Years together with much Advantage & Safety to the Province, Whereas the Method now offer'd by the House for Supply of the Treasury has been but very lately introduced & that with very great Reluctance on the Part of the Board as foreseeing the unavoidable Difficulties in which it would involve the publick Affairs of the Govern<sup>mt</sup> The Truth of which has by Experience been since Confirmed.

It has been alwaies observed that the Stability & Safety of all Governments does consist in each Constituent Parts Enjoying & Exercising the Rights & Powers vested in them respectively by the Constitution And whenever one Part has wrested the same from the other It has proved very detrimental, If not subversive of the Whole.

It is very surprizing to the Board to observe the Message from the House in such Terms as these, 'That they had done their Duty by Ordering a sufficient Sum for Payment of the publick Debts, Agreeable to y<sup>e</sup> Powers & Privileges they enjoy by the Royal Charter;' Whereas it will be found by a due Inspection of the Charter, That the Powers & Privileges therein contained are not vested in the House singly & distinctly considered, but jointly in the General Court: And whereas the House so frequently make Mention of their Faithfulness to their Principals, If thereby they mean the People of this Province, The Council have on all Occasions had & exercised as great a Concern for their Safety & Welfare as the House, And from a due Regard thereto as well as from a Desire alwaies to Act in Conformity to the Charter, The Board think themselves obliged to insist on their Amend<sup>ments</sup>.

The Council cannot but hope That the Reasons here offered will prevail with the Hon<sup>ble</sup> House to Concur with our Amend<sup>mt</sup> But if it should prove other wise, We being earnestly desirous that both Houses may come to a good Understanding & Agree<sup>mt</sup> in this important Affair, Do propose a Conference either of the whole Court or of Committees of each House to be had as speedily as may be."—*Ibid.*, p. 131.

"Dec. 25. 1723. In the House of Represent<sup>ees</sup> Voted that a Message be sent up, Earnestly to desire His Honour the Lieuten<sup>t</sup> Govern<sup>r</sup> to Prorogue the Great & General Court & at the next Meeting thereof, To direct That every Member of the Hon<sup>ble</sup> Board give their Attendance, That so the whole Court may Agree on some suitable Manner to supply the Treasury. The House of Represent<sup>ees</sup> do in a solemn Manner declare That they have done what is Honourable & safe & convenient for them to do, in Order to have the Treasury supplied with a sufficient Sum of Money to pay the publick Debts contracted, & w<sup>ch</sup> have been Pass'd on & Ordered to be paid; And therefore If any Inconvenience or Mischief happen either to the Subjects in not having their just Dues or to the Government in Not Paying their just Debts, The Blame thereof cannot be imputed to them or laid to the Representative Body of this People And the House think themselves in Duty bound to make this Declaration & to Publish the same That so the People of this Province (whom they represent) may be thoroughly Acquainted therewith."—*Ibid.*, p. 132.

"Dec. 25. 1723. In Council; The Question being put whether the Board Advise His Honour the Lieut. Govern<sup>r</sup> to prorogue the Gen<sup>l</sup> Court? It pass'd in the Negative. A Message was sent up from His Honour the Lieut. Gov<sup>r</sup> to the House; Viz.,

Gentlemen of the House of Represent<sup>ees</sup> I have Considered your Message Desiring me to Prorogue the Court & have ask'd the Opinion of the Council thereon; Who are of Advice That a Prorogation is not expedient at this Juncture; I shall send for the Council<sup>rs</sup> that are absent forth with to attend his Majesties Service in the General Assembly, And I desire you will direct all y<sup>e</sup> absent Members to attend without delay."—*Ibid.*, p. 133.

"Dec. 26. 1723. A Message went down to the House, To enquire Whether they had Considered the Proposal of the Board for a Conference on the Affair of the Supply, And If they have not To desire they would speedily consider & give Answer to the said Proposal. The Vote for Supply of the Treasury came up from the House Re-Considered & Pass'd with some Alterations & Concur'd by the Board with an Amend<sup>mt</sup> W<sup>ch</sup> being sent down was Disagreed to by the House."—*Ibid.*

"Dec. 26. 1723. A Message came up from the House to desire His Honour the Lieut. Govern<sup>r</sup> to Adjourn the Court to Tuesday or Wednesday next.

In Council; The Question was put Whether the Board do Advise His Honour the Lieut. Govern<sup>r</sup> to Adjourn the Court to Tuesday or Wednesday next? And it pass'd in the Negative.

A Message went down from His Honour the Lieuten<sup>t</sup> Govern<sup>r</sup> to the House by the Secretary, To acquaint them that he had ask'd the Opinion of the Board respecting an Adjourn<sup>mt</sup> And that they Advised against it."—*Ibid.*, p. 135.

(b.) "Dec. 27. 1723. In the House of Represent<sup>ees</sup> Pursuant to the Directions of the Royal Charter in that Clause or Paragraph Impowering the Great and General Court or Assembly to Impose & Levy proportionable & reasonable Assessments, Rates & Taxes;

RESOLVED that the Treasurer be & hereby is Directed & Impowered to Issue forth & Emit the Sum of Twenty Thousand Pounds in Bills of Credit on this Province, To be Issued & Disposed of by Warrant under the Hand of the Governour or Commander in Chief for the Time being with the Advice & Consent of the Council, for the necessary Defence & Support of the Govern<sup>mt</sup> & the Protection & Preservation of the Inhabitants



thereof, according to such Acts, Orders or Resolves of this Court, as are now in Force, or that shall be made this present Session.

And the sd. Bills shall pass out of y<sup>e</sup> Treasury at the Value therein express'd Equivalent to Money & shall be so taken & accepted in all publick Payments; And that the Duties of Impost & Excise shall be a Fund & Security for the Repayment & Drawing in the said Bills into the Treasury again So far as that will reach;

And as a further Fund & Security for the same, That there be & hereby is Granted to His most Excellent Majesty for the Ends & Uses aforesaid & no other Ends and Purposes whatsoever a Tax of Six Thousand Six Hundred & sixty six Pounds thirteen Shillings & four Pence to be Levied upon Polls & Estates both Real & Personal within this Province, upon the several Towns & Districts within the same according to such Rules & in such Proportion as shall be Agreed on & Order'd by the Great & General Court or Assembly of this Province at their Session in May 1724, & paid into y<sup>e</sup> publick Treasury on or before the last Day of December next after.

And that the further Sum of Six Thousand six Hundred & sixty six Pounds thirteen Shillings & four Pence be Levied upon Polls & Estates both Real & Personal within this Province, according to such Rules & in such Proportion as shall be Agreed on by the Great & General Court or Assembly at their Session in May 1725, & paid into the Treasury on or before the last Day of December next after.

And that the further Sum of Six Thousand six Hundred & Sixty six Pounds, thirteen Shillings & four Pence be Levied upon Polls & Estates both Real & Personal within this Province, according to such Rules & in such Proportion as shall be Agreed on by the Great & General Court or Assembly at their Session in May 1726, & paid into the Treasury on or before the last Day of December next after.

In Council; Read & Concur'd—

Consented to, W<sup>m</sup> DUMMER."

—*Ibid.*, p. 136.

"Dec. 27. 1723. In the House of Representatives Whereas in this Time of War there may be a Necessity of Paying some incident & unforeseen Charges of this Govern<sup>t</sup> For the Payment whereof, No Provision is already made in the Resolve for the Supply of the Treasury, Pass'd in this Session of the General Assembly;—Voted that the Treasurer be & hereby is Directed to pay the Sum of Five Hundred Pounds in Bills of Credit on this Province (Part of the Sum of Twenty Thousand Pounds, Ordered to be Emitt'd this Session); to be Issued & Disposed of according to the Orders, under the Hand of the Governor or Commander in Chief for the Time being with the Advice & Consent of the Council for the Discharging & Paying any necessary & unforeseen Expences & Accompts of Charge that may require prompt Payment:—

In Council; Read & Non-Concur'd, The Board apprehending that sufficient Provision is already made for such Charges in the Resolve for Twenty Thousand Pounds"—*Ibid.*, p. 138.



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ACTS,  
PASSED 1724-25.

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# ACTS

PASSED AT THE SESSION BEGUN AND HELD AT BOSTON, ON THE TWENTY-SEVENTH DAY OF MAY,  
A.D. 1724.

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## CHAPTER 1.

AN ACT IN ADDITION TO THE ACT FOR HOLDING SPECIAL COURTS OF ASSIZE AND GENERAL GOAL DELIVERY.

WHEREAS, in and by an act made in the twelfth year of the reign of her late majesty Queen Ann<sup>e</sup>, provision is made for the calling and holding [of] special courts of assize and general goal delivery, for the trial of offenders in cases of murder, only on extraordinary occasions, when the ordinary time set[t] and stated by law for the holding the superiour court of judicature, court of assize and general goal delivery, in the respective counties, happens to be at a considerable distance from the time of the offender's being apprehended, and it being found necessary that there should be the like provision made for the tryal of offenders in all capital cases,—

Preamble.  
1713-14, chap. 5.

*Be it therefore enacted by the Lieutenant-Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

That it shall and may be lawful to and for the governour or commander-in-chief for the time being, by and with the advice and consent of the council, upon any extraordinary occasions and emergency, as aforesaid, by a precept directed to the justices of the court of assize and general goal delivery, to order and appoint them to hold a special court, as soon as may be, for the trial of any capital offender or offenders, where the offence is by law made felony of death, and to cause *venires* to be issued forth for the summoning jurors [of] for such court out of the several towns, as usual for the stated courts, and to make out all other necessary processes, and do what else shall be requisite according to the powers given them in and by the act for establishing a superiour court of judicature, court of assize and general goal delivery; and the judges and officers of such special court, to have such allowance for their attendance and service as shall be ordered by this court. [*Passed June 9; published June 24.*]

Special courts of assize to be held for trial of any capital offenders.

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## CHAPTER 2.

AN ACT FOR GRANTING UNTO HIS MAJESTY SEVERAL RATES AND DUTYS OF IMPOST AND TUNNAGE OF SHIPPING.

WE, his majestie's most loyal and dutiful subjects, the representatives of his majestie's province of the Massachusetts Bay in New England, considering the necessity of calling in the sum of twenty-four thousand



six hundred sixty-six pounds thirteen shillings and fourpence, granted to his present majesty, by bills emitted at the several sessions in the years 1720, 1722 and 1723, to be levyed and collected in this present year, have cheerfully and unanimously given and granted, and do hereby give and grant, unto his most excellent majesty, to the ends, use and intent aforesaid, and for no other use, the several duties of impost upon wines, liquors, goods, wares and merchandize that shall be imported into this province, and tunnage of shipping, hereafter mentioned and expressed, for calling in the sum of three thousand six hundred sixty-six pounds thirteen shillings and fourpence, part of the said sum of twenty-four thousand six hundred sixty-six pounds thirteen shillings and fourpence abovementioned; and pray that it may be enacted,—

*And be it accordingly enacted by the Lieutenant-Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

[SECT. 1.] That, after the twenty-ninth day of this instant June, there shall be paid by the importer of all wines, liquors, goods, wares and merchandizes that shall be imported into this province from the place of their growth (salt, cotton-wool, provisions and every other thing of the growth and produce of New England excepted), the several rates and duties of impost following; viz.,—

For every pipe of common wine of the Western Islands, twenty shillings.

For every pipe of Canara, twenty-five shillings.

For every pipe of Madera or Passada, twenty-five shillings.

For every pipe of other sorts not mentioned, twenty shillings.

For every hogshead of rum, containing one hundred gallons, twenty shillings.

For every hogshead of sugar, two shillings.

For every hogshead of molasses, one shilling.

For every hogshead of tobacco, twenty shillings.

For every tun of logwood, three shillings.

And so proportionably for greater or lesser quantities, and for all other commodities, goods or merchandize not mentioned or excepted, one penny for every twenty shillings value: all goods imported from Great Britain excepted.

[SECT. 2.] And for any of the above wines, liquors, goods, wares merchandize, &c., that shall be imported into this province from any other port than the places of their growth and produce, there shall be paid by the importer double the value of impost appointed by this act to be received for every species abovementioned, unless they do *bona fide* belong to the inhabitants of this province, and come upon their risque from the port of their growth.

*And be it further enacted by the authority aforesaid,*

[SECT. 3.] That all the afores<sup>d</sup> imposts, rates and duties shall be paid in current money, or in bills of credit of this province, by the importer of any wines, liquors, goods or merchandize, unto the commissioner and receiver to be appointed, as is hereinafter directed, for entering and receiving the same, at or before the landing of any wines, liquors, goods or merchandizes, only the commissioner or receiver is hereby allowed to give credit to such person or persons where his or their duty of impost, in one ship or vessel, doth exceed the sum of ten pounds; and in case where the commissioner or receiver shall give credit, he shall settle and ballance his accompts with every person, so that the same accompts may be ready to be presented to this court in May next; and all entrys, where the impost or duty to be paid doth not exceed four shillings, shall be made without charge to the importer, and not more than sixpence to be paid for any other single entry to what value soever.

*And be it further enacted by the authority aforesaid,*

[SECT. 4.] That all masters of ships or other vessels coming into any harbour or port within this province, from beyond sea or from any other province or colony, before bulk be broken and within twenty-four hours after his arrival in such harbour or port, shall make a report to the commissioner or receiver of the impost, to be appointed as is hereafter mentioned, of the contents of the lading of such ship or vessel without any charge or fee to be demanded or paid for the same; which report such master shall give in to the said commissioner or receiver under his hand, and shall therein set down and express the quantities and species of the wines, liquors, goods and merchandizes laden on such ship or vessel, with the marks and numbers thereof, and to whom the same is consigned, and also make oath that the said report or manifest of the contents of his lading, so to be by him given in under his hand as afores<sup>d</sup>, contains a just and true account, to the best of his knowledge, of the whole lading taken on board and imported in the s<sup>d</sup> vessel from the port or ports such vessel came from, and that he hath not broken bulk nor delivered any of the wines, rum or other distilled liquors or merchandizes laden on s<sup>d</sup> ship or vessel, directly or indirectly, and that if he shall know of any more wines, liquors, goods or merchandize to be imported therein, before the landing thereof, he will cause it to be added to his manifest; which manifest shall be agreeable to a printed form made for that purpose, which is to be filled up by the said commissioner or receiver according to each particular person's entry; which oath the commissioner or receiver is hereby empowered to administer, after which such master may unload and not before, on pain of one hundred pounds to be forfeited and paid by each master that shall neglect his duty on this behalf.

*And be it further enacted by the authority aforesaid,*

[SECT. 5.] That all merchants, factors and other persons, importers, being owners of or having any of the wines, liquors, goods or merchandizes consigned to them that by this act are lyable to pay impost or duty, shall, by themselves or order, make entry thereof in writing, under their hands, with the said commissioner or receiver, and produce unto him the original invoice of all such goods as pay *ad valorem*, and make oath thereto in manner following:—

You, A. B., do swear that the entry of the goods and merchandize, by you now made, contains the true value, agreeable to the original invoice herewith exhibited, and that, according to your best skill and judgment, is not less than the real cost thereof. So help you God.

—and pay the duty and impost by this act required, before such wines, liquors, goods, wares or merchandizes be landed or taken out of the vessel in which the same shall be imported, on pain of forfeiting all such wines, liquors, goods, wares or merchandizes so landed or taken out of the vessel in which the same shall be imported.

[SECT. 6.] And no wines, liquors, goods, wares or merchandizes, that by this act are lyable to pay impost or duty, shall be landed on any wharff, or into any warehouse or other place, but in the daytime only, and that after sunrise and before sunset, unless in the presence and with the consent of the commissioner or receiver, on pain of forfeiting all such wines, liquors, goods, wares and merchandize, and the lighter, boat or vessel out of which the same shall be landed or put into any warehouse or other place: which abovesaid oath the commissioner or receiver is hereby empowered to administer.

[SECT. 7.] And if any person or persons shall not have and produce an invoice of the quantities of rum or liquors to him or them consigned, then the cask wherein the same is shall be gaged at the charge of the importer, that the quantity thereof may be known.

*And be it further enacted by the authority aforesaid,*

[SECT. 8.] That every merchant or other person importing any wines into this province, shall be allowed twelve per cent for leakage, provided such wines have not been filled up on board; and that every hogshhead, butt or pipe of wine that hath two third parts thereof leaked out shall be accounted for outs, and the merchant or importer to pay no duty or impost for the same. And no master of any ship or vessel shall suffer any wines to be filled up on board without giving a certificate of the quantity so filled, under his hand, before the landing thereof, to the commissioner or receiver of the impost in such port, on pain of forfeiting the sum of fifty pounds.

[SECT. 9.] And if it be made to appear that any wines, imported in any ship or vessel, be decayed at the time of unloading thereof, or in twenty days afterwards, oath being made before the commissioner or receiver that the same hath not been landed above that time, the duties and impost paid for such wines shall be repaid unto the importer thereof.

*And be it further enacted by the authority aforesaid,*

[SECT. 10.] That the master of any ship or vessel importing any wines, liquors, goods, wares or merchandize, shall be lyable to and shall pay the impost for such and so much thereof, contained in his manifest, as shall not be duly entred, nor the duty paid for the same, by the person or persons to whom such wines, liquors, goods, wares or merchandizes are or shall be consigned; and it shall and may be lawful to and for the master of every ship or other vessel to secure and detain in his hands, at the owner's risque, all such wines, liquors, goods, wares or merchandize imported in any such ship or vessel, until he shall receive a certificate from the commissioner or receiver of the impost that the duty for the same is paid, and until he be repaid his necessary charges in securing the same; or such master may deliver such wines, liquors, goods, wares or merchandize as are not entred into the commissioner or receiver of the impost in such port, or his order, who is hereby empowered and directed to receive and keep the same, at the owner's risque, until the impost thereof, with charges, be paid, and then to deliver such wines, liquors, goods, wares or merchandize as such masters shall direct.

*And be it further enacted by the authority aforesaid,*

[SECT. 11.] That the commissioner or receiver of the impost in each port shall be and hereby is empowered to sue the master of any ship or vessel, for the impost or duty for so much of the lading of any wines, liquors, goods, wares and merchandizes imported therein, according to the manifest by him to be given upon oath as afores<sup>d</sup>, as shall remain not entred and the duty or impost thereof not paid; and where the goods, wares or merchandizes are such as that the value thereof is not known, whereby the impost to be recovered of the master for the same cannot be ascertained, the owner or person to whom such goods, wares or merchandize are or shall be consigned, shall be summoned to appear as an evidence at the court where suit for the impost and duty thereof shall be brought, and be there required to make oath to the value of such goods, wares or merchandizes.

*And be it further enacted by the authority aforesaid,*

[SECT. 12.] That the ship or vessel, with her tackle, apparel and furniture, the master of which shall make default in anything by this act required to be performed by him, shall be lyable to answer and make good the sum or sums forfeited by such master, according to this act, for any such default; as also to make good the impost or duty for any wines, liquors, goods, wares or merchandize not entred as afores<sup>d</sup>; and, upon judgm<sup>t</sup> recovered against such master, the said ship or vessel, or so much of the tackle or appurtenances thereof as shall be suffi-

cient to satisfy s<sup>d</sup> judgm<sup>t</sup>, may be taken in execution for the same; and the commissioner or receiver of the impost is hereby impowred to make seizure of such ship or vessel, and detain the same under seizure until judgm<sup>t</sup> be given in any suit to be commenced and prosecuted for any of the s<sup>d</sup> forfeitures or impost, to the intent that, if judgment be rendred for the prosecutor or informer, such ship or vessel and appurtenances may be exposed for satisfaction thereof as is before provided, unless the owners, or some in their behalf, for the releasing of such ship or vessel from under seizure or restraint, shall give sufficient security to the commissioner or receiver of the impost that seized the same, to respond and satisfy the sum or value of the forfeiture and duties, with charges, that shall be recovered against the master thereof, upon suit to be brought for the same as afores<sup>d</sup>; and the master occasioning such loss and damage unto his owners thro his default or neglect, shall be lyable unto their action for the same.

*And be it further enacted,*

[SECT. 13.] That the naval officer within any of the ports of this province shall not clear or give passes to any master of any ship or other vessel outward bound, until he shall be certified by the commissioner or receiver of the impost that the duties and impost for the goods last imported in such ship or vessel are paid or secured to be paid; and the commissioner or receiver of the impost is hereby impowred to allow bills of store, to the master of any ship or vessel importing any wines or liquors, for such private adventures as shall belong to the master or seamen of such ship or other vessel, at the discretion of the commissioner or receiver, not exceeding three per cent of the lading; and the dutys payable by this act, for such wines or liquors in such bills of store mentioned and expressed, shall be abated.

*And be it further enacted by the authority aforesaid,*

[SECT. 14.] That all penalties and forfeitures accruing or arising by virtue of this act, shall be one half to his majesty for the uses and intents for which the aforementioned duties of impost are granted, and the other half to him or them that shall seize, inform and sue for the same by action, bill, plaint or information in any of his majestie's courts of record, wherein no essoign, protection or wager of law shall be allowed; the whole charge of prosecution to be taken out of the half belonging to the informer.

*And be it further enacted by the authority aforesaid,*

[SECT. 15.] That there shall be paid by the master of every ship or other vessel coming into any port or ports in this province to trade or traffick, whereof all the owners are not belonging to this province, except such vessels as belong to Great Britain, the provinces or colonies of Pensilvania, West and East Jersey, New York, Connecticut or Rhode Island, every voyage such ship or vessel do's make, the sum of eighteen pence per tun, or one pound of good, new gunpowder, for every tun such ship or vessel is in burthen: *saving* for that part which is owned in Great Britain, this province or any of the aforesaid governments (which is hereby exempted), to be paid unto the commissioner or receiver of the dutys of impost and to be employed for the ends and uses aforesaid.

[SECT. 16.] And the said commissioner is hereby impowred to appoint a meet and suitable person to repair unto and on board any ship or vessel, to take the exact measure or tunnage thereof, in case he shall suspect that the register of such ship or vessel doth not express and set forth the full burthen of the same, the charge thereof to be paid by the master or owner of such ship or vessel before she be cleared, in case she appear to be of greater burthen, otherwise to be paid by the commissioner, out of the moneys received by him for impost, and



shall be allowed him accordingly by the treasurer in his accompts; and the naval officer shall not clear any vessel until he be also certified by the said commissioner that the duty of tunnage for the same is paid, or that it is such a vessel for which none is payable by this act.

*And be it further enacted by the authority aforesaid,*

[SECT. 17.] That there be one fit person, and no more, nominated and appointed by this court as a commissioner and receiver of the aforesaid duties of impost and tunnage of shipping, and for the inspection, care and management of the said office and whatsoever relates thereunto, to receive commission for the same from the governor or commander-in-chief for the time being, with authority to substitute and appoint a deputy receiver in each port besides that wherein he resides, and to grant warrants to such deputy receivers for their said place, and to collect and receive the impost and tunnage of shipping aforesaid that shall become due within such port, and to render the accompts thereof, and pay in the same, to the said commissioner and receiver; which said commissioner and receiver shall keep fair books of all entries and duties arising by virtue of this act, also a particular account of every vessel, so that the duties of impost and tunnage arising on the said vessel may appear; and the same to lye open at all seasonable times to the view and perusal of the treasurer and receiver-general of this province (or any other person or persons whom this court shall appoint), with whom he shall account for all collections and payments and pay in all such moneys as shall be in his hands, as the treasurer or receiver-general shall demand it. And the said commissioner and receiver and his deputy and deputys, before their entering upon the execution of the said office shall be sworn to deal truly and faithfully therein, and shall attend in the office from nine to twelve of the clock in the forenoon, and from two to five of the clock in the afternoon.

[SECT. 18.] And the said commissioner and receiver, for his labour, care and expences in the said office, shall have and receive out of the province treasury the sum of seventy pounds per annum, and his deputy or deputys to be paid for their service such sum and sums as the said commissioner and receiver, with the treasurer, shall agree, upon reasonable terms, not exceeding thirty pounds each; and the treasurer is hereby ordered, in passing and receiving the said commissioner's accompts, accordingly, to allow the payment of such salary or salaries as aforesaid, to himself and his deputy or deputys.

*Provided,*

[SECT. 19.] That this act shall be and continue in force from the twenty-ninth day of this instant June, until the twenty-ninth day of June which will be in the year of our Lord one thousand seven hundred and twenty-five and no longer. [*Passed June 17; published June 24.*]

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## CHAPTER 3.

### AN ACT FOR APPORTIONING AND ASSESSING A TAX OF FOURTEEN THOUSAND POUNDS.

WHEREAS the great and general court or assembly of the province of the Massachusetts Bay in New England, at their sessions in the years 1720, 1722 and 1723, did pass three grants of taxes on polls and estates, as funds and security for the payment and drawing in severall sums, in the bills of credit on this province ordered to be imprinted,



repeated and issued out of the publick treasury, for the service of the government; that is to say, at their sessions held in the month of July, one thousand seven hundred and twenty,\* five thousand pounds; at their sessions held in January, one thousand seven hundred and twenty-two,† thirteen thousand pounds; and at their session held in October, one thousand seven hundred and twenty-three,‡ six thousand six hundred sixty-six pounds thirteen shillings and fourpence; applied to the ends and uses in the said grants particularly enumerated and expressed; and, by the resolves of the courts that made the aforesaid grants, it was then ordered that the said sum of twenty-four thousand six hundred sixty-six pounds thirteen shillings and fourpence shall be apportioned, assessed and levied on polls, and estates both real and personal, within this province, according to such rules and in such proportion upon the several towns and districts within the same, as shall be agreed on and ordered by this court in their present session; *wherefore* for the ordering, directing and perfecting the said sum of fourteen thousand pounds, and for making further provision for any deficiency that may arise or accrue by any unforeseen accident in the funds and grants aforesaid, which, with the sum of ten thousand six hundred sixty-six pounds thirteen shillings and fourpence, by the duties of impost and tunnage of shipping and excise, together with the income of the bills let out, and the light-house, will make the sum of twenty-four thousand six hundred sixty-six pounds thirteen shillings and fourpence, pursuant to the funds and grants aforesaid, which is unanimously approved, ratified and confirmed; we, his majestie's most loyall and dutiful subjects, the representatives in general court assembled, pray that it may be enacted.—

*And be it accordingly enacted by the Lieutenant-Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

[SECT. 1.] That each town or district within this province be assessed and pay, as such town's and district's proportion of the aforesaid sum of fourteen thousand pounds, the sums following; that is to say,—

IN THE COUNTY OF SUFFOLK.

Boston, two thousand five hundred sixty-eight pounds three shillings and 8 <sup>d</sup> ,	£2,568	3s.	8d.
Roxbury, one hundred forty-six pounds fourteen shillings and twopence,	146	14	2
Dorchester, one hundred ninety-five pounds seven shillings and twopence,	195	7	2
Hingham, one hundred forty-eight pounds, eighteen shillings and sixpence,	148	18	6
Brantrey, one hundred fifty-three pounds fourteen shillings and twopence,	153	14	2
Dedham, one hundred eighteen pounds sixteen shillings and sixpence,	118	16	6
Medfield, seventy-two pounds two shillings,	72	2	0
Medway, thirty-four pounds seventeen shillings and eightpence,	34	17	8
Weymouth, one hundred and three pounds three shillings and tennpence,	103	3	10
Milton, seventy-five pounds six shillings and twopence,	75	6	2
Hull, thirty-four pounds seventeen shillings and eightpence,	34	17	8
Wrentham, seventy-six pounds nine shillings and sixpence,	76	9	6

\* NOTES to 1720-21, resolve (a).

† NOTES to 1722-23, resolve (b).

‡ NOTES to 1723-24, resolve (b).

Mendon, ninety pounds fourteen shillings and twopence,	£90 14s. 2d.
Woodstock, seventy-three pounds fifteen shillings and tenpence, . . . . .	73 15 10
Brookline, sixty pounds nine shillings and tenpence,	60 9 10
Sutton, fourteen pounds, . . . . .	14 0 0
Needham, forty-five pounds and eightpence, . . . .	45 0 8
Bellingham, fifteen pounds eight shillings, . . . .	15 8 0
Oxford, eighteen pounds and sixpence, . . . . .	18 0 6

## IN THE COUNTY OF ESSEX.

Salem, three hundred seventy-two pounds nine shil- lings and twopence, . . . . .	372 9 2
Ipswich, four hundred pounds six shillings and tenn- pence, . . . . .	400 6 10
Newbury, three hundred thirty-four pounds tenn shil- lings and tenpence, . . . . .	334 10 10
Marblehead, three hundred twenty-two pounds, . . . .	322 0 0
Lynn, one hundred seventy-four pounds six shillings, .	174 6 0
Andover, one hundred sixty-four pounds fifteen shil- lings and tenpence, . . . . .	164 15 10
Beverly, one hundred forty-two pounds four shillings and fourpence, . . . . .	142 4 4
Rowley, one hundred thirty-one pounds seventeen shillings and tenpence, . . . . .	131 17 10
Salisbury, one hundred and fifteen pounds one shilling and tenpence, . . . . .	115 1 10
Haverhill, one hundred fifty-one pounds four shillings,	151 4 0
Glocester, one hundred sixty-eight pounds eleven shil- lings and eightpence, . . . . .	168 11 8
Topsfield, seventy-one pounds tenn shillings and four- pence, . . . . .	71 10 4
Boxford, sixty-three pounds nineteen shillings and tenpence, . . . . .	63 19 10
Almsbury, one hundred and four pounds tenn shillings and eightpence, . . . . .	104 10 8
Bradford, seventy pounds eight shillings and twopence,	70 8 2
Wenham, sixty-five pounds four shillings and fourpence,	65 4 4
Manchester, thirty pounds seven shillings and tenn- pence, . . . . .	30 7 10

## IN THE COUNTY OF MIDDLESEX.

Cambridge, one hundred and seventeen pounds sixteen shillings and 8 <sup>d</sup> , . . . . .	117 16 8
Charlstown, three hundred and seventeen pounds seventeen shillings and 2 <sup>d</sup> , . . . . .	317 17 2
Watertown, one hundred twenty-nine pounds six shil- lings and sixpence, . . . . .	129 6 6
Concord, one hundred and eighty pounds eight shil- lings and sixpence, . . . . .	180 8 6
Weston, fifty-four pounds fifteen shillings and sixpence,	54 15 6
Woburne, one hundred seventy-four pounds fourteen shillings and twopence, . . . . .	174 14 2
Reading, one hundred twenty-one pounds nineteen shillings and sixpence, . . . . .	121 19 6
Sudbury, one hundred forty-two pounds three shil- lings and twopence, . . . . .	142 3 2
Marlborough, one hundred thirty-nine pounds eight shillings and fourpence, . . . . .	139 8 4

Lexington, eighty-four pounds three shillings and sixpence, . . . . .	£84	3s.	6d.
Newtown, one hundred and seven pounds nine shillings, . . . . .	107	9	0
Malden, eighty-eight pounds thirteen shillings and fourpence, . . . . .	88	13	4
Chelmsford, one hundred and twelve pounds eight shillings and twopence, . . . . .	112	8	2
Billericia, one hundred and ten pounds sixteen shillings and eightpence, . . . . .	110	16	8
Sherbourn, seventy-four pounds twelve shillings and twopence, . . . . .	74	12	2
Westborough, thirty pounds thirteen shillings and eightpence, . . . . .	30	13	8
Groton, seventy-seven pounds sixteen shillings and fourpence, . . . . .	77	16	4
Lancaster, eighty-seven pounds and eightpence, . . . . .	87	0	8
Framingham, eighty-eight pounds eleven shillings, . . . . .	88	11	0
Medford, forty-six pounds eighteen shillings, . . . . .	46	18	0
Stow, forty-nine pounds fifteen shillings and twopence, . . . . .	49	15	2
Worcester, twenty-three pounds six shillings and eightpence, . . . . .	23	6	8
Dunstable, twenty-six pounds nineteen shillings, . . . . .	26	19	0
Dracut, twenty pounds seventeen shillings and eightpence, . . . . .	20	17	8
Leicester, fourteen pounds, . . . . .	14	0	0
Littleton, twenty-three pounds six shillings and eightpence, . . . . .	23	6	8
Rutland, seven pounds, . . . . .	7	0	0

## IN THE COUNTY OF HAMPSHIRE.

Springfield, one hundred seventy-five pounds ten shillings and sixpence, . . . . .	175	10	6
Northampton, one hundred thirty-six pounds seven shillings and eightpence, . . . . .	136	7	8
Hadley, eighty pounds six shillings and sixpence, . . . . .	80	6	6
Hatfield, sixty-five pounds ten shillings and twopence, . . . . .	65	10	2
Westfield, sixty-nine pounds thirteen shillings, . . . . .	69	13	0
Sutfield, seventy-six pounds fourteen shillings and twopence, . . . . .	76	14	2
Enfield, sixty pounds fifteen shillings and eightpence, . . . . .	60	15	8
Deerfield, thirty-seven pounds five shillings and sixpence, . . . . .	37	5	6
Brookfield, twenty-three pounds six shillings and eightpence, . . . . .	23	6	8
Sunderland, nine pounds six shillings and eightpence, . . . . .	9	6	8

## IN THE COUNTY OF PLIMOUTH.

Plimouth, one hundred sixty-eight pounds three shillings and sixpence, . . . . .	168	3	6
Plimpton, seventy-five pounds nine shillings and eightpence, . . . . .	75	9	8
Scituate, two hundred twenty-two pounds sixteen shillings and eightpence, . . . . .	222	16	8
Bridgewater, one hundred fifty-nine pounds one shilling and sixpence, . . . . .	159	1	6
Marshfield, one hundred and eighteen pounds sixteen shillings and sixpence, . . . . .	118	16	6

Pembroke, fifty-four pounds thirteen shillings and two-pence, . . . . .	£54 13s. 2d.
Duxborough, seventy-three pounds eight shillings and tennpence, . . . . .	73 8 10
Middleborough, eighty-nine pounds five shillings, . . . . .	89 5 0
Rochester, eighty-five pounds tenn shillings and four-pence, . . . . .	85 10 4
Abington, twenty-four pounds fourteen shillings and eightpence, . . . . .	24 14 8

## IN THE COUNTY OF BRISTOL.

Bristol, one hundred and twelve pounds, . . . . .	112 0 0
Taunton, one hundred seventy-three pounds eight shillings and sixpence, . . . . .	173 8 6
Norton, with North Purchase, sixty-nine pounds three shillings and 8 <sup>d</sup> , . . . . .	69 3 8
Dartmouth, one hundred ninety pounds eight shillings, . . . . .	190 8 0
Dighton, seventy-nine pounds six shillings and eightpence, . . . . .	79 6 8
Rehoboth, one hundred eighty-seven pounds one shilling and sixpence, . . . . .	187 1 6
Little Compton, one hundred forty-three pounds six shillings and sixpence, . . . . .	143 6 6
Swanzy and Shewamet, one hundred twenty-three pounds fifteen shillings and 8 <sup>d</sup> , . . . . .	123 15 8
Tiverton, seventy-nine pounds six shillings and eightpence, . . . . .	79 6 8
Freetown, fifty-seven pounds one shilling, . . . . .	57 1 0
Attleborough, seventy-eight pounds two shillings and twopence, . . . . .	78 2 2
Barrington, forty-one pounds sixteen shillings and sixpence, . . . . .	41 16 6

## IN THE COUNTY OF BARNSTABLE.

Barnstable, one hundred ninety-three pounds seven shillings and 6 <sup>d</sup> , . . . . .	193 7 6
Yarmouth, one hundred twenty pounds fifteen shillings, . . . . .	120 15 0
Sandwich, one hundred twenty-three pounds sixteen shillings and 10 <sup>d</sup> , . . . . .	123 16 10
Eastham, one hundred thirty-one pounds three shillings and 10 <sup>d</sup> , . . . . .	131 3 10
Truro, sixty-two pounds fourteen shillings and twopence, . . . . .	62 14 2
Harwich, eighty-three pounds eleven shillings and tennpence, . . . . .	83 11 10
Falmouth, forty-eight pounds sixteen shillings and sixpence, . . . . .	48 16 6
Chatham, forty-one pounds sixteen shilling and sixpence, . . . . .	41 16 6

## IN THE COUNTY OF YORK.

York, seventy pounds, . . . . .	70 0 0
Kittery, and north part of the Isle of Shoals, one hundred sixty pounds seven shillings and twopence, . . . . .	160 7 2
Berwick, forty-two pounds, . . . . .	42 0 0
Falmouth, . . . . .	0 0 0
Wells, forty-two pounds, . . . . .	42 0 0
Biddeford, . . . . .	0 0 0

## IN DUKES COUNTY.

Edgartown, fifty-five pounds fifteen shillings and fourpence, . . . . .	£55 15s. 4d.
Chilmark, ninety pounds thirteen shillings, . . . . .	90 13 0
Tisbury, twenty-seven pounds seventeen shillings and eightpence, . . . . .	27 17 8

Nantucket, one hundred eighty-one pounds four shillings and 10<sup>d</sup>., . . . . 181 4 10

Amounting, in the whole, to the sum of fourteen thousand pounds.

*And be it further enacted by the authority aforesaid,*

[SECT. 2.] That the treasurer do forthwith send out his warrants, directed to the selectmen or assessors of each town or district within this province, requiring them, respectively, to assess the sum hereby set upon such town or district, in manner following; that is to say, to assess all rateable male polls above the age of sixteen years, at seventy pence per poll (except the governour, lieutenant-governour and their familiys, the president, fellows and students of Harvard College, settled ministers and grammar-school masters), who are hereby exempted as well from being taxed for their polls, as for their estates being in their own hands and under their actual management and improve[ment\*], and other persons (if such there be), who, through age, infirmity or extream poverty, in the judgment of the assessors, are not capable to pay towards publick charges, they may except their polls and so much of their estates as, in their prudence, they shall think fit and judge meet; and all estates, both real and personal, lying within the limits and bounds of such town or district, or next unto the same, not paying elsewhere, in whose hand, tenure, occupation or possession soever the same is or shall be found, and income by trade or faculty which any person or persons (except as before excepted) do or shall exercise in gaining, by money or other estate not peticularly otherways assessed, or commissions of proffit in their improvement, according to their understanding and cunning, at one penny on the pound; and to abate or multiply the same, if need be, so as to make up the sum hereby set and ordered for such town or district to pay; and in making their assessments, to estimate houses and lands at six years' income of the yearly rents whereat the same may be reasonably set or let for in the places where they lye (saving all contracts betwixt landlord and tenant, and where no such contract is, the landlord to reimburse one-halfe of the tax set upon such houses and lands); and to estimate Indian, negro and molatto servants, proportionably, as other personal estate, according to their sound judgment and discretion: as also to estimate every ox of four years old and upwards, at forty shillings; every cow of three years old and upwards, at thirty shillings; every horse and mare of three years old and upwards at forty shillings; every swine of one year old and upwards, at eight shillings; every sheep and goat of one year old and upward, at four shillings: likewise requiring the assessors to make a fair list of the said assessment, setting forth, in distinct columns, against each peticular person's name, how much he or she is assessed at for polls, and how much for houses and lands, and how much for personal estate and income by trade or faculty; and the list or lists so perfected and signed by them, or the major part of them, to commit to the collectors, constable or constables of such town or district, and to return a certificate of the name or names of such collector, constable or constables, together with the sum totall to each of them, respectively, committed, unto himselfe, sometime before the last day of September next.

\* Parchment destroyed.



[SECT. 3.] And the treasurer for the time being, upon the receipt of such certificate, is hereby impowred and ordered to issue forth his warrants to the collector, constable or constables of such town or district, requiring him or them, respectively, to collect the whole of each respective sum assessed on each perticular person, before the last day of March next; and of the inhabitants of the town of Boston, to collect their proportion sometime in the month of January foregoing; and to pay in their collection, and issue their accompts of the whole, at or before the last day of May next, which will be in the year of our Lord one thousand seven hundred and twenty-five.

*And be it further enacted by the authority aforesaid,*

[SECT. 4.] That the assessors of each town and district, respectively, in convenient time before their making the assessment, shall give seasonable warning to the inhabitants in a town meeting, or in posting up notifications in some place or places in such town or district, or otherways to notifye the inhabitants to give or bring in to the s<sup>d</sup> assessors true and perfect lists of their polls and rateable estates; and if any person or persons shall neglect or refuse so to do, or bring in a false list, it shall be lawfull to and for the assessors to assess such person or persons, according to their known ability in such town, according to their sound judgment and discretion, their due proportion to this tax as near as they can, according to the rules herein given, under the penalty of twenty shillings for each person that shall be convicted by legal proof, in the judgment of the assessors, of bringing in a false list; the said fines to be for the use of the poor of such town or district where the delinquent lives, to be levied by warrant from the assessors, directed to the collector or constable, in manner as is directed for gathering town assessments, and to be paid in to the town treasurer or selectmen for the use aforesaid: *saving* to the party agreived at the judgment of the assessors in setting such fine, liberty of appeal therefrom to the court of general sessions of the peace within the county, for relief, as in case of being overrated.

[SECT. 5.] And if the party be not convicted of any falseness in the list by him presented of polls, rateable estate and income by any trade or faculty which he doth or shall exercise in gaining, by money or other estate not particularly otherwise assessed, such list shall be a rule for such person [s pr\*]oportion to the tax, which the assessors may not exceed.

*And whereas*, ofttimes, sundry persons not belonging to this province bring considerable trade and merchandize, and by reason that the tax or rates of the to[wn wh\*]ere they come to trade or traffick, is finished and delivered to the constables or collectors, and before the next year's assessment they are gone out of the province, and so pay nothing towards the support of the government, tho' in the time of their residing here they reap considerable gaine by trade, and had the protection of the government,—

*Be it therefore enacted by the authority aforesaid,*

[SECT. 6.] That when any such person or persons shall come and reside in any town in this province for the space of twenty days, and bring any merchandize, and trade and deal therewith, the assessors of such town are hereby impowred to rate and assess all such persons according to their circumstances, pursuant to the rules and directions in this act provided, tho' the former rate may have been finished, and the new one not perfected as aforesaid; and the constables or collectors are hereby injoyed to levy and collect all such su[ms\*] committed to them, and pay the same into the town treasury. [*Passed June 17; published June 24.*]

# ACTS

PASSED AT THE SESSION BEGUN AND HELD AT BOSTON,  
ON THE ELEVENTH DAY OF NOVEMBER, A.D. 1724.

## CHAPTER 4.

AN ACT FOR AMENDING OF ERRORS AND DEFECTS IN REASONS OF  
APPEAL, AND BETTER ADVANCEMENT OF JUSTICE.

WHEREAS the time of the great and general court or assembly of this province is often taken up in relieving of persons that have appealed from the sentence of judg[e]m[en]t of the inferior court of common pleas and court of general sessions of the peace in the respective counties of the province, to the superiour court of judicature or court of assize, and through some error or mistake in the party, or his attorney, and sometimes of the clerk of the court, in misreciting the parties or judg[e]m[en]t, or misnaming the courts appeal'd to or from, or otherwise, the parties appealing have not only lost the benefit of their appeal, but have been necessitated to resort to this court for relief,—

*Preamble.*  
1701-2, chap. 5,  
§ 8.

*Be it enacted by the Lieutenant-Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

[SECT. 1.] That the justices of the superiour court of judicature, court of assize and general goal delivery, at their respective sessions in the several counties of the province, for the future, be, and hereby are, allowed and empowered in all such cases as aforesaid, upon the appellants paying reasonable costs, to be taxed by the said court, to order an amendment of such defective or mistaken reasons of appeal, and to proceed to trial of the cause, as though no such error had been committed.

Justices of the  
superior court  
empowered to  
amend reasons  
of appeal.

*And be it further enacted by the authority aforesaid,*

[SECT. 2.] That the justices of the inferior courts of common pleas and courts of general sessions of the peace in the several counties within the province, shall, and hereby have the same power granted to them, in case of any lapse or mistake in reasons of appeal from the sentence or judg[e]m[en]t of any of his majest[y][ie]'s justices of the peace, that shall come before the said courts; any law, usage or custom to the contrary notwithstanding. [*Passed November 27; published December 28.*]

Justices of the  
inferior court  
and quarter ses-  
sions alike em-  
powered.

## CHAPTER 5.

AN ACT FOR THE FURTHER REGULATION OF THE OFFICERS AND  
SOLDIERS RETAIN'D IN HIS MAJESTY'S SERVICE, AND PAY OF THIS  
GOVERNMENT.

*Be it enacted by the Lieutenant-Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

[SECT. 1.] That no officer or soldier retained in the service and pay of this government shall supply the soldiers with any stores whatsoever of their own, or otherwise than out of the supplies and necessaries sent

1722-23, ch. 12.  
1723-24, ch. 12.

No officer or sol-  
dier to supply  
stores on their  
own account,  
&c.

Soldiers to be supplied according to the first cost.  
Persons supplying to be under oath.  
Penalty.

from the publick treasury ; and the soldiers shall receive no supplies or stores at a higher price than they are purchased at by the treasurer ; and the commanders or persons who deliver out the said stores shall be under oath to supply the officers and soldiers according to the original invoices received from the treasurer, upon the forfeiture of fifty pounds for either of the said offences.

*And be it further enacted by the authority aforesaid,*

No trust to be given to soldiers.

[SECT. 2.] That if any person whatsoever, other than such as are or shall be appointed, shall trust or give credit to any soldier during his being actually in the service, for cloathing or other thing whatsoever, no process shall ever be granted or served on such soldier for any debt so contracted until he be dismiss'd the service ; and every writt or process granted or served contrary hereto shall be deemed and judged void in law, and of none effect ; and any justice of the peace within the county where any soldier is committed or restrained upon process granted for debt, or pretension of debt, made as aforesaid, upon certificate from the captain or chief officer under whose command such soldier is, setting forth that at the time of such debt contracted he then was a soldier under the pay of this government, shall forthwith order his release from confinement.

*Provided,*

Proviso respecting soldiers getting into the service to avoid payment.

[SECT. 3.] That no person *bona fide* and justly indebted to another shall be suffered to defeat his creditor by voluntarily enlisting or hiring himself into the service, thereby to avoid or delay payment, and be protected from the law ; but in such case, upon application made by the creditor to the captain-general or commander-in-chief for the time being, setting forth his just debt before contracted, such person shall be immediately dismiss'd the service, and left open to the law ; any law, usage or custom to the contrary notwithstanding.

*And be it further enacted by the authority aforesaid,*

No rum to be sold to soldiers.

[SECT. 4.] That no officer, soldier or other person whatsoever, retained in the service of this government shall supply the soldiers with rum or strong drink, more than their stated allowance from the province, upon forfeiture of ten pounds upon every offence.

Penalty.

*And be it further enacted by the authority aforesaid,*

Limitation of credit to soldiers for the public stores.

[SECT. 5.] That no soldier, being a son under age, servant or Indian, shall be allowed to take up of the publick stores, for cloathing or other necessities, more than one-half of their pay ; nor any other soldier more than two-thirds of his pay or wages.

No soldier allowed to pawn or truck.

[SECT. 6.] And no soldiers in the service of this government shall be allowed to pawn, truck, barter or exchange with any person whatsoever, any arms, ammunition or cloathing ; and all arms, ammunition or cloathing pawned, truck'd, barter'd or exchanged as aforesaid, shall be restored and made good without any price or redemption for the same to be render'd or given ; and the soldier or soldiers offending in making such pawn, truck, barter or exchange, and in accepting or receiving of the same, shall be punish'd by lying neck and heels, or other proper military punishment.

Penalty.

*And be it further enacted by the authority aforesaid,*

Penalty for deceit in the muster rolls.

[SECT. 7.] That if any captain or commanding officer shall use or allow of any deceit or couzenage by continuing the name of any soldier upon the roll that is discharged, dead, run or turn'd over to another company, or by entring him sooner than by law he ought to do, every such captain or commanding officer shall lose and forfeit the sum of fifty pounds, and be forthwith cashiered and displaced from his office, and be disabled to have or hold any military office or employment in his majesty's service within this province.

[SECT. 8.] And no commanding officer of any company shall presume to dismiss or exchange any officer or soldier under his command, without express order from the captain-general or commander-in-chief for the time being; and upon receipt of such order directed to him for the dismissal or exchange of any officer or soldier, he shall not directly or indirectly demand, take or receive any fee, payment, consideration or gratuity whatsoever, or the promise thereof from any person whatsoever, for such dismissal or exchange, upon the like penalty of fifty pounds, and of being cashiered and disabled as aforesaid; and no captain or commanding officer of any company or party, shall have more than two men absent from their post, upon furlow, at one and the same time, excepting such as are sent for by the special order of the captain-general, nor shall grant a furlow, or pass, to any of his men for more than ten or twelve days' time, on the penalty of forfeiting one month's pay, to be subducted out of his wages.

No officer to dismiss or exchange soldiers, without order, upon penalty. No fee to be received for dismissing or exchanging soldiers, on penalty.

Furloughs.

*And be it further enacted by the authority aforesaid,*

[SECT. 9.] That all commanding officers of marching or scouting forces retain'd in the pay of this government, over and above rendering such account to the captain-general or commander-in-chief for the time being, as he shall require, shall transmit fair journals of their proceedings once in three months, at least, into the secretarie's office, on penalty of forfeiture of one month's pay for each offence, to be subducted out of his wages.

Officers of marching companies to give in a journal once a month.

[SECT. 10.] And all the other fines, penalties and forfeitures contained in this act shall be recovered in any of his majesty's courts of record within this province; the one half for and towards the support of this government, and the other moiety to him or them that inform and sue for the same.

Penalty.

[SECT. 11.] This act to remain in force during the continuance of the present war with the Indian enemy. [*Passed December 12.*]

Continuance of the act.

## CHAPTER 6.

### AN ACT FOR THE MORE EASY LEVYING AND REGULATING SOLDIERS.

*Be it enacted by the Lieutenant-Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

[SECT. 1.] That when and so often as there shall be occasion for raising soldiers for the preservation and defence of his majesty's subjects and estates within this province, and the encountering, repelling and subduing any that shall attempt, in hostile manner, to enterprize the destruction, invasion, detriment or annoyance of this his majesty's province, or any of his subjects therein, so often as the chief officer of any regiment of militia within this province shall receive orders from the captain-general or commander-in-chief, for the time being, of the said province, for the detaching or impressing, or causing to be detach'd and impressed for his majesty's service, out of the regiment under his command, so many soldiers as in such orders shall be mentioned, such chief officer of the regiment shall, forthwith, thereupon issue forth a warrant to the captains or chief officers of the companies or troops within his regiment, or such of them as he shall think fit, requiring them, respectively, to detach and impress out of the militia in the companies or troops under their command, so many able soldiers, furnished and provided as the law directs, as, in the whole, shall make up the number which, by the orders of the captain-general or commander-in-chief, he shall be directed to detach and impress; on pain that every

Method for detaching or impressing soldiers. 1721-22, chap. 1



Penalties for neglect of duty in impressing soldiers.

chief officer of a regiment that shall neglect or not do his utmost to send forth the said warrant, seasonably, (having orders for the same as abovementioned), shall forfeit and pay a fine of twenty pounds.

[SECT. 2.] And every captain or chief officer of any company or troop, who shall receive any warrant from the chief officer of the regiment whereto such company or troop belongs, for the impressing out of the same any soldier or soldiers for his majesty's service, shall thereupon use his utmost endeavours to detach or impress, or cause to be detached or impress'd, so many soldiers, in order to answer the number of men required of him.

[SECT. 3.] And every captain or chief officer, as aforesaid, shall have his men at the place of rendezvous in time, as in the warrant shall be mentioned, and shall transmit the men's names to his colonel or chief officer, to be by him returned into the treasurer's office, together with an account of their subsistence, until they arrive at the place ordered by the commander-in-chief; on pain that every captain or chief officer of any company or troop that shall neglect or not do his utmost to comply with and execute any warrant to be by him received, as aforesaid, from the chief officer of the regiment, shall, for such his neglect or default, pay a fine of ten pounds.

[SECT. 4.] And every officer or soldier that shall receive a warrant from his captain, or chief officer of the company or troop in which he is enlisted, for the detaching or impressing of men, shall forthwith attend and execute the same, on pain of paying a fine of five pounds.

[SECT. 5.] All persons are required to be aiding and assisting of him in the execution of such warrant, on pain of forfeiting the sum of forty shillings.

All persons to assist in impressing soldiers, on penalty.  
Penalty for taking a reward for dismissing or sparing from the impress.

[SECT. 6.] And if any person authorized as aforesaid, to impress any soldier or soldiers for his majesty's service, shall exact or take any reward to discharge or spare any from the said service, otherwise than is allowed by this act, he shall forfeit the sum of twelve pounds.

[SECT. 7.] All which fines and penalties, aforesaid, shall be one moiety thereof unto his majesty, for and towards the support and government of this province, and the other moiety to him or them that shall inform and sue for the same by action, bill, plaint or information in any courts of record.

*And be it further enacted by the authority aforesaid,*

Persons impressed to attend the service upon penalty.

[SECT. 8.] That every person lyable and fit for service, being orderly impress'd, as aforesaid, for his majesty's service by being commanded in his majesty's name to attend the said service, shall, by himself or other meet person in his room (to the acceptance of the captain or chief officer), attend the same at the time and place appointed, on pain of suffering six months' imprisonment, without bail or mainprize, to be committed by *mittimus* from any justice of the peace, or chief officer of the company or troop, where no justice is in the town, upon conviction of such neglect: *unless* such person, within the space of six hours next after his being impress'd, shall pay to his captain or chief officer, by whose warrant he shall be impress'd, the sum of ten pounds.

*And be it further enacted by the authority aforesaid,*

Disposition of the fines.

[SECT. 9.] That the fines arising by persons so refusing, shall be improved for the procuring good and effective men, as there shall be occasion, for his majesty's service; and the captain or chief officer of the company shall return to his colonel an account of the fines received, and of whom, as also of the disposition thereof, who shall keep an account of the same; and all persons paying the said sum of ten pounds, as aforementioned, shall be esteemed as persons that have served, and be no farther or otherwise liable to any after impress than those that actually go forth in service at the same time.

Account of the fines to be returned to the colonel.

Payment of the fine to be accounted as service.



[SECT. 10.] And all persons lawfully impowered to impress, may pursue any person that hides from the press or makes his escape, and may, by himself or deputy, impress such person in any place within the province; and if any person impress'd for his majesty's service, being so duly returned, shall remove or go out of the province, and not attend the service as required, such person, at his return, shall be apprehended by warrant from any justice of the peace, and be by him committed to prison, unless such person give sufficient security to answer it at the next general sessions of the peace; and upon due conviction of the said offence by the oath of him that impress'd him, shall suffer three months' imprisonment, and, before he be released, shall also pay a fine of ten pounds, for the use of the company or troop whereto he belonged at the time of his impress.

Proceeding in case of escape from the press.

[SECT. 11.] And if any person, directly or indirectly, by counsel or otherwise, shall prevent the impressing, conceal any person impress'd, or knowingly further his escape, such person shall pay a fine of five pounds.

Prosecution of those that go out of the province, on their return.

Fine for concealing, &c.

*And be it further enacted by the authority aforesaid,*

[SECT. 12.] That all soldiers and seamen that have been wounded in his majesty's service within this province, and are thereby maim'd, or otherwise disabled, and had yearly pensions heretofore allowed them, shall have the continuance of the same during their abode within this province under such disability, to be paid them out of the publick treasury.

Pensions to be allowed to those that are disabled by wounds.

[SECT. 13.] And all such soldiers and seamen as at any time hereafter shall be maimed or otherwise disabled, by any wound to be received in his majesty's service within this province, shall be relieved out of the publick treasury, as the great and general court or assembly shall order.

[SECT. 14.] And if any soldier shall loose his arms in his majesty's service within this province, not thro' his own neglect or default, such loss shall be born by the publick; and in case any soldier be furnished with arms for any expedition in the said service, he shall allow out of his wages threepence per week for the same, and return such arms or otherwise pay the value thereof.

Arms lost without default, to be made good. Rate for borrowing arms.

*And be it further enacted by the authority aforesaid,*

[SECT. 15.] That all soldiers shall be in pay from the time of their being impressed or detach'd till they are orderly discharged, and have reasonable time allowed them to repair to their usual places of abode.

Time of soldiers' being in pay.

*And be it further enacted by the authority aforesaid,*

[SECT. 16.] That every officer that shall make any false or untrue muster, or enter any person or persons upon the muster roll, on any pretence whatsoever, that shall not be at the place where the forces are ordered to do duty, or that shall knowingly muster any person by a wrong name, upon proof thereof, shall forfeit and pay for such offence one hundred pounds, and forthwith be cashier'd and displaced from such his office.

Penalty for false musters.

[SECT. 17.] The fines and forfeitures arising by this act, and not otherwise herein disposed of, to be recovered by bill, plaint or information in any of his majesty's courts of record: the one half part thereof to be employed to and for the support of the government of this his majesty's province, the other half to such person that shall inform and sue for the same.

Disposition of the fines.

*And be it further enacted by the authority aforesaid,*

[SECT. 18.] That a colonel's pay be fourteen pounds per month, a lieutenant-colonel's pay be twelve pounds, a major's pay be ten pounds, a captain's pay seven pounds, a lieutenant's pay four pounds, a sergeant's pay two pounds thirteen shillings and fourpence, corporals' pay

Pay of officers and soldiers.

forty-eight shillings, and a private centinel's pay be forty shillings per month.

Continuance of the act.

[SECT. 19.] This act to remain and be in force during the continuance of the war with the Indian enemy, and no longer; any law, usage or custom to the contrary notwithstanding. [*Passed December 15.*]

## CHAPTER 7.

### AN ACT TO RETRENCH THE EXTRAORDINARY EXPENCE AT FUNERALS.

Preamble.  
1721–22, chap. 4.

WHEREAS the giving of scarves at funerals is a great and unnecessary expence, and while in practice was to the detriment of the province, and impoverishing of many families,—

*Be it enacted by the Lieutenant-Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

No scarfs to be given at funerals.  
Penalty.

[SECT. 1.] That from and after the publication of this act no scarves whatsoever be allowed and given at any funeral, upon the penalty of twenty pounds, to be forfeited by the executor or administrator to the will or estate of the person inter'd (to be paid by him out of his own estate), or other person that regulates or is at the expence of the funeral, to be recover'd by bill, plaint or information; the one half to him or them that shall inform and sue for the same in any court of record, the other half to and for the use of the church or congregation where the person inter'd was a member or auditor.

Disposition of the fines.

Continuance of the act.

[SECT. 2.] This act to be in force for the space of five years from the publication thereof, and no longer. [*Passed December 8.*]

## CHAPTER 8.

### AN ACT FOR THE BETTER REGULATING THE ADMISSION OF TOWN INHABITANTS WITHIN THE PROVINCE OF THE MASSACHUSETTS BAY.

Preamble.  
1722–23, chap. 5,  
§ 1.  
1700–1, chap. 23.

WHEREAS in and by an act or law of this province, made and pass'd in the eighth year of his present majesty's reign, entituled "An Act in addition to an act directing the admission of town inhabitants," made and pass'd in the thirteenth year of the reign of King William the Third, it is therein enacted, "that upon the arrival of any ship or vessel in any port or harbour within this province, transporting any passengers, servants or others whatsoever, and before bulk be broken, or such passengers, servants or others be suffered to land or come on shore, the master of such ship or vessel shall repair to the selectmen or treasurer of such town where no receiver of impost dwells, and give in a list or certificate of all the passengers, servants and others he has brought in his ship or vessel from beyond sea, with their circumstances and merchandize they bring with them as near as can be. And the master of such ship or vessel shall enter into sufficient bonds, to the satisfaction of the said selectmen or treasurer of the town where the ship or vessel arrives, to save such town harmless from all manner of charge arising or that may arise to the same town by reason of such passengers, strangers, servants or others arriving among them"; and whereas the true intent of the said act was to prevent the importation of poor, vicious and infirm persons, who might prove either a publick charge to the province in

Recital from an act of the 8th of King George, which is repealed.

general, or to some particular town, without any design to lay a difficulty or discouragement upon trade,—

*Be it therefore enacted by the Lieutenant-Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

[SECT. 1.] That when any ship or vessel, importing any passengers, shall arrive in any port or harbour within this province, the master of such ship or vessel, before bulk be broken or such passengers be suffer'd to land or come on shoar, shall repair to the selectmen or treasurer of such town where no receiver of impost dwells, and give in a list or certificate of all the passengers he has brought in his said ship or vessel beyond sea, with their circumstances, and the merchandize they bring with them, as near as can be.

Masters of ships to give security for their passengers.

[SECT. 2.] And such passengers as can make it appear that they then bring with them into this province effects to the value of fifty pounds (not including necessary household goods and wearing apparel), as likewise all able-bodied husbandmen, mariners, handicraftsmen, labourers and indented servants, provided they are not persons of vicious conversation or ill fame, shall be and hereby are admitted to land without the master's being subject to give security; but, as for all others, the master of such ship or vessel shall enter into bond within five days after his arrival as aforesaid, with sufficient sureties, to the satisfaction of the said selectmen or treasurer, as aforesaid, in a sum not exceeding one hundred pounds for each passenger, to save such town harmless from all manner of charge arising, or that may arise, to the said town from such passengers, for and during the term of five years, on pain of forfeiting the sum of one hundred pounds, for the use of the poor of the town or place where such passengers shall be landed or set on shoar. And in case any passenger or passengers shall give sufficient security for themselves, to the acceptance of the selectmen or treasurer as aforesaid, the master of the said vessel is exempted from giving bond so far as relates to them.

Persons exempted from having security for them.

Bond to be for five years.

Penalty for not giving security.

*And be it further enacted by the authority aforesaid,*

[SECT. 3.] That the master of every coasting vessel, wood-sloop, fishing vessel or others, coming from any port or harbour of this or any neighbouring governments into Boston, or any port or harbour within this province, shall, within twenty-four hours after his arrival, deliver to the receiver of impost, where such officers are, and, where none are, to the selectmen or treasurer of the town, a perfect list or certificate of the Christian and surname of all passengers brought in such vessel, which are not settled inhabitants of any town in this province, and their circumstances so far as he knows, and give bond as aforesaid, on pain of forfeiting the sum of one hundred pounds, for the use of the poor of the town or place where such passengers shall be landed or put on shoar. And the forfeitures in this act mention'd to be recovered by bill, plaint or information by the selectmen or the major part of them, or the treasurer of such town where the ship or vessel arrives, in any of his majesty's courts of record within this province; any law, usage or custom to the contrary thereof notwithstanding.

Lists and security to be given for passengers in coasting vessels, &c., on the same penalty.

[SECT. 4.] And the afore-recited act in an addition to the act directing the admission of town inhabitants, is hereby repealed and declared void. [Passed December 18.]

The former act repealed.

## CHAPTER 9.

AN ACT TO ENABLE THE EXECUTORS OR ADMINISTRATORS OF CONSTABLES OR COLLECTORS DECEAS'D, TO SUE FOR AND RECOVER ANY ASSESSMENTS NOT COLLECTED BY THEM IN THEIR LIFETIME.

Preamble.  
1699-1700, chap.  
26.

WHEREAS the several constables and collectors that have rates or taxes committed to them to collect, stand by law indebted, and are obliged to pay in the same, to the several and respective treasurers or receivers of the rates and taxes within this province, but no provision is yet made in the law for executors or administrators of any such deceased constables or collectors who have not settled and made up their accompts, as by the said law is provided, to gather in or collect the same, or so much thereof as may happen to be unpaid,—

*Be it therefore enacted by the Lieutenant-Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

Executors or  
administrators  
of deceased  
constables or  
collectors em-  
powered to col-  
lect rates.

That when and so often as it shall so happen that any constable or collector within this province heretofore deceased, or that shall dy before he shall have collected the several sums committed to him, by lawful authority, to collect of the inhabitants of this province, for their town, precinct, county or province tax, that then and in such case it shall and may be lawful for the executors or administrators of such deceased constables or collectors to levy and collect such sums, of the inhabitants named in the lists to them severally committed, as, upon the decease of such constables or collectors, shall appear due or unpaid to them respectively; and such executors or administrators, by themselves or their attorneys, are hereby impowred to do, perform and execute all the powers granted by law to the several constables and collectors in such cases; any law, usage or custom to the contrary notwithstanding. [*Passed December 8.*]

## CHAPTER 10.

AN ACT IN EXPLANATION OF, AND IN SUPPLEMENT TO AN ACT, ENTITLED "AN ACT FOR HIGHWAYS," MADE IN THE FIFTH YEAR OF THE REIGN OF KING WILLIAM AND QUEEN MARY.

Preamble.  
1693 4, chap. 6.

WHEREAS, in and by an act made and pass'd in the fifth year of the reign of King William and Queen Mary, entituled "An Act for highways," the inhabitants of each town, respectively, within this province are obliged, without reasonable excuse made, under certain penalties, to attend by themselves, or other sufficient person in their steads, or with their carts and teams, for the keeping in repair and amending from time to time all highways, &c., lying within the precincts of such town, upon convenient publick notice given them by the surveyors for the said work, as by the said act more fully appears; but, forasmuch as there is no direction in the said act for stated limits to be observed by the said surveyors in repairing and amending the said highways, and great inconveniences have happen'd or arisen in many towns; for remedy whereof,—

*Be it enacted by the Lieutenant-Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

Selectmen, &c.,  
to appoint dis-  
tricts to the  
surveyors of  
the highways.

[SECT. 1.] That the selectmen of each respective town within this province, with one or more justices of the peace in those towns where such there are, or otherwise the selectmen by themselves, shall be and



hereby are directed and empower'd to appoint, to the surveyors of such town, their several divisions or districts for repairing and amending, from time to time, all highways lying within the same; which the said surveyors are hereby required to observe and conform unto.

And, to the intent that all persons liable by the said act to work in the highways may have such notice to attend the said work as in and by the said act is provided.—

*Be it further enacted by the authority aforesaid,*

[SECT. 2.] That the surveyors respectively be and hereby are required (extraordinary casualties excepted), six days at least before the day appointed for providing materials and working in the highways, to notify such persons to attend the said work, either by themselves or other sufficient persons in their stead, or with their carts and teams; the said notifications to be by writing, under the hands of the said surveyors, signifying the time and place of attendance, and to be left at the place of such person's usual abode. And if any person, being so notified, make default of attending said work, by himself or other sufficient person in his stead, or with his cart and team, as he shall be appointed, he shall forfeit the sum of five shillings for each day's neglect, and for default of his cart and team, with a driver, ten shilling *per diem*; one moiety of the said forfeitures to be to the use of the surveyors, the other moiety to be to the use of the town, and to be recovered as in and by the said act is provided; any law, usage or custom to the contrary notwithstanding.

Surveyors to notify persons to work in the highways.

*Provided,*

[SECT. 3.] That this act shall not extend to the preventing or altering the practice in any town of defreying the charge of repairing or amending the highways by a rate or tax, or any other method they have, or shall agree upon, anything herein contained to the contrary notwithstanding. [*Passed December 18.*]

Proviso.

## CHAPTER 11.

AN ACT FOR ALTERING THE TIMES OF HOLDING THE SUPERIOUR COURT OF JUDICATURE, COURT OF ASSIZE AND GENERAL GOAL DELIVERY, FOR THE COUNTY OF SUFFOLK.

WHEREAS the times appointed by law for holding the superiour court of judicature, court of assize and general goal delivery in the county of Suffolk: viz., the first Tuesday in May and November, yearly, are found greatly inconvenient, for that by the increase of the business of the said courts the judges are obliged, in order to the holding their courts in the counties of Essex and York, to make an adjournment of the May term into the month of June, which is the usual time of the sitting of the general assembly, and the month of November being another season for meeting of the general assembly, the business of the said assembly, as well as of the superiour court is thereby interrupted and delayed; for remedy whereof,—

1699-1700, chap. 3, § 2.

*Be it enacted by the Lieutenant-Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

[SECT. 1.] That the superiour court of judicature and court of assize and general goal delivery be removed from the first Tuesdays in May and November, and that they be held henceforward, at Boston on the second Tuesday in February and August, yearly, and every year; and that the next superiour court of judicature, and court of assize and general goal delivery, for the said county of Suffolk, shall be held on the second Tuesday of February next.

Superior court, &c., for Suffolk to sit in February and August.



All appeals and other process to be heard and determined in February court.

*And be it further enacted by the authority aforesaid,*

[SECT. 2.] That all appeals, reviews, recognizances, warrants, or other process already issued, continued or any ways depending, which were to be heard and tryed at the superiour court of judicature, or court of assize and general goal delivery, to have been held at Boston on the first Tuesday in May next, shall not fail or be discontinued, but be valid and stand good to all intents and purposes in the law, and be heard, tryed and determined at the said courts to be held on the second Tuesday of February next, as aforesaid; and all officers, and other persons concerned are required to conform themselves accordingly: any law, usage or custom to the contrary notwithstanding. [*Passed December 3.*]

## CHAPTER 12.

AN ACT IN ADDITION TO AN ACT, ENTITULED “AN ACT FOR THE BETTER REGULATING OF THE FERRY OVER CHARLES RIVER, BETWIXT BOSTON AND CHARLESTOWN,” MADE IN THE NINTH YEAR OF THE REIGN OF THE LATE QUEEN ANNE.

Preamble.  
1710-11, chap. 1.  
1718-19, chap. 6.

WHEREAS it is found necessary for the expeditious passage both of man and horse over Charles River, that there be more boats than three, which are already by law established,—

*Be it therefore enacted by the Lieutenant-Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

Four boats to ply at Charlestown Ferry.

[SECT. 1.] That from and after the twenty-fifth day of March next, there be four sufficient boats kept and maintained for the more speedy transportation of men and horses over the said ferry; and two boats shall be passing at one and the same time, and not more than one boat at either of the shoars, under the penalty of twenty shillings; one third to the informer, one third to the use of the poor of the town of Boston, and the other third to the poor of the town of Charlestown; to be recover'd by information or complaint made to any justice of the peace, who may restrain the offender or offenders until he or they shall pay the same.

One boat only to be at each shore.  
Penalty.

*And be it further enacted by the authority aforesaid,*

[SECT. 2.] That there be made, and from time to time kept in good repair, sufficient and convenient ways, from passing to and from the ferry boats, at the landing place on either side, at the charge of the persons who have the profit or income arising by the said ferry; any law, usage or custom to the contrary notwithstanding. [*Passed December 12.*]

Convenient ways to be kept at the ferry.

## CHAPTER 13.

AN ACT FOR DIVIDING THE TOWN OF SHERBURN AND ERECTING A NEW TOWN THERE BY THE NAME OF HOLLISTON.

Preamble.

WHEREAS the town of Sherburn, within the county of Middlesex, is of great extent in length, and lies commodiously for two townships, and the west part thereof being of late competently fill'd with inhabitants, who labour under great difficulties by their remoteness from the place of publick worship, and have thereupon made their application to the said town, and likewise address'd this court that they may be set[t] off

a distinct and separate town; and the inhabitants of Sherburn having consented to their being set[t] off accordingly, and a committee of this court having view'd the said town of Sherburn, and, upon mature consideration, reported a proper divisional line between the two parts thereof,—

*Be it therefore enacted by the Lieutenant-Govern[or], Council and Represent[ati]ves in General Court assembled, and by the authority of the same,*

[SECT. 1.] That the westerly part of the said town of Sherburn be and hereby is set[t] off and constituted a separate township by the name of Holliston; the dividing line between the said town of Holliston and the town of Sherburn to be as follows; viz., to begin at Col[l] Buckminster's southern corner, adjoining to Lieut. Sawen's pine swamp, and to run on a straight line from thence to Dopping Brook, and along the said brook to Boggestow Brook, and along Boggestow Brook 'till it comes to Medway line; and that part of the land called Sheffield's farm that lies to the east of Boggestow Brook, together with that part of the land lately in possession of Edmund Morse, lying to the east of Dopping Brook, to belong to the said town of Holliston; and that the inhabitants of the said lands, as before bounded and described, be and hereby are vested with the powers, privileges and immunities that the inhabitants of any of the towns within this province by law are or ought to be vested with.

*Provided,—*

*And be it further enacted,*

[SECT. 2.] That the inhabitants of said town of Holliston shall, within the space of eighteen months from the publication of this act, erect and finish a suitable house for the publick worship of God, in the most convenient place for the accommodation of the inhabitants thereof; and, as soon as may be, procure and settle a learned orthodox minister of good conversation, and make provision for his comfortable and honourable support; and, likewise, provide a schoolmaster to instruct their youth in writing and reading; and that thereupon they be discharged from any further payments for the maintenance of the ministry and school in the town of Sherburn.

*And be it further enacted,*

[SECT. 3.] That the inhabitants of the said town of Holliston be wholly freed and exempted from the tax of one hundred and sixty pounds, voted by the said town of Sherburn, towards the charge of building a meeting-house there.

*Provided,*

[SECT. 4.] That the said inhabitants of Holliston, nevertheless, are to pay their respective proportions to two sev[era]l[1] assessments already made by the selectmen of Sherburn, one of which is for the support of the minister, and the other towards the county charge; and Isaac Bullard, one of the present constables of Sherburn, is obliged to collect and pay in such parts and proportions of each of said assessments, as are or shall be committed to him by the selectmen of Sherburn, according to the powers and directions in the warrants duly made and deliver'd, or that shall be deliver'd to him, by the selectmen aforesaid; anything in this act to the contrary notwithstanding.

[Passed December 3; published December 28.]

Sherburn to be divided and a new town made, called Holliston. Bounds of the said town.

Meeting-house to be erected there.

And reading and writing school.

Inhabitants to be freed from the tax to Sherborn meeting-house.

Two assessments to be freed from the tax to Sherborn to be collected.

## CHAPTER 14.

AN ACT FOR DIVIDING THE TOWN OF DEDHAM, AND ERECTING A NEW TOWN THERE BY THE NAME OF WALPOLE.

## Preamble.

WHEREAS the south part of the town of Dedham within the county of Suffolk, is competently filled with inhabitants, who labour under great difficulties by their remoteness from the place of publick worship, &c., and have thereupon made their application to the said town of Dedham, and likewise addressed this court, that they may be set off a distinct and sep[a][e]rate town, and be vested with all the powers and privileges of a town; and the inhabitants of Dedham having consented to their being set off accordingly, and a committee of this court having viewed the said town of Dedham, and reported a proper divisional line between the two parts thereof,—

*Be it therefore enacted by the Lieutenant-Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

South part of Dedham made a town, called Walpole.

Bounds of the said town.

[SECT. 1.] That the southerly part of the said town of Dedham be and hereby is set off and constituted a sep[a][e]rate township by the name of Walpole; the bounds of the said township to be as follows; vizt., to begin at Dorchester line, where the line of Wrentham intersects it, and so to extend to Haws's Brook, the said brook to be the bounds till it come to Bubling Brook, and on the same course with Bubling Brook to Medfield road, and so along the road till it comes to Medfield line, and upon Medfield line until it meets with Wrentham line, and so upon Wrentham line till it comes to the first station; and that the inhabitants of the said lands, as before described and bounded, be and hereby are vested with the powers, privile[d]ges and immunities that the inhabitants of any of the towns of this province by law are or ought to be vested with.

*Provided,*

Meeting-house to be built, &c.

[SECT. 2.] That the inhabitants of the said town of Walpole do, within the space of eighteen months from the publication of this act, erect and finish a suitable house for the publick worship of God, and, as soon as may be, procure and settle a learned, orthodox minister of good conversation, and make provision for his comfortable and honourable support; and likewise provide a schoolmaster to instruct their youth in writing and reading; and that thereupon they be discharged from any further payments for the maintenance of the ministry and school in the town of Dedham.

*And be it further enacted by the authority aforesaid,*

Lands of non-residents to be taxed.

[SECT. 3.] That the inhabitants of the said town of Walpole be and hereby are impowred to assess all the lands of non-residents, lying within the said town, one penny per acre, towards the charge of building the meeting-house, and set[t]ling and maintaining a minister there. [Passed December 10; published December 28.]

NOTES.—There were but two sessions of the General Court this year. The engrossments of the acts from chapter 5 to chapter 12, inclusive, are lost; and all the foregoing acts were printed with the sessions acts, except chapters 2 and 3.

The Secretary of the Board of Trade transmitted all the public acts of this year, to Mr. Francis Fane, August 11, 1726, for his "opinion thereupon in point of Law." Mr. Fane reported, December 29, 1726, upon all, except chapters 6, 13 and 14, that he had "no objection to their being pass'd into Law." On the nineteenth of May, 1727, he made a similar report upon chapters 13 and 14.

The Privy Council having promulgated an additional instruction to "His Majesty's Governors in the Plantations" forbidding their assent to any private act until proof should have been made that public notice of the party's intention to apply for such an act had been given, and unless the act contained a clause suspending its execution until after it had received the royal approbation, no private acts appear to have been passed from this time until 1742.

(a.) "June 13. 1724. In the House of Representatives Pursuant to the Directions in the Royal Charter in that Clause or Paragraph Impowering the General Court to impose & levy proportionable and reasonable Assessments, Rates & Taxes;

RESOLVED that the Treasurer be & hereby is Impowered & Directed to Issue forth & Emit the Sum of Twenty-five Thousand Pounds in the Bills of Credit on this Province for the necessary Support & Defence of the Governm<sup>t</sup> & the Protection & Preservation of the Inhabitants thereof, To be issued & disposed of by Warrant under the Hand of the Governour or Commander in Chief for the Time being with the Advice & Consent of the Council; Twenty four Thousand Pounds thereof shall be applied for the Uses Intents & Purposes in this Resolve hereafter express'd; Viz., For the Payment of all Grants Premiums & Stipends established by Law, For the Defraying & Paying the Charges of Castle William & other Forts & Garrisons, Transports, Muster Rolls of Soldiers & Sailors, Allowances & all other Accompts of Charges allowed & pass'd on for Payment by this Court; And that the Sum of One Thousand Pounds being the Residue & Remaining Part of the said Sum of Twenty-five Thousand Pounds shall be applied for the Payment of Expresses dispatch'd in the Service of this Governm<sup>t</sup> in the Recess of this Court, together with all other necessary unforeseen Charges that demand prompt Payment w<sup>h</sup> shall arise in the Recess of the Court as aforesaid;

Provided always that the several Draughts made on the Treasurer aforesaid express & declare out of w<sup>h</sup> of the two several Sums above mention'd the Money is to be paid; And the said Bills shall pass out of the Treasury at the Value therein express'd Equivalent to Money & shall be so taken & Accepted in all publick Payments; And that the Duties of Impost & Excise shall be a Fund & Security for the Repayment & Drawing in the said Bills to the Treasury again so far as that will reach;

And as a further Fund & Security for the same; It is further RESOLVED that there be & hereby is Granted to His most Excellent Majesty for the Ends & Uses aforesaid & no other Ends & Uses whatsoever a Tax of Eleven Thousand Pounds, to be levied upon Polls & Estates both Real & Personal within this Province according to such Rules & in such Proportion upon the several Towns & Districts within the same as shall be Agreed on & Ordered by the Great & General Court or Assembly of this Province at their Session in May One Thousand seven Hundred & twenty seven & paid into the Treasury at or before the last Day of December next after.

And that the further Sum of Fourteen Thousand Pounds being the Remainder of the aforesaid Twenty five Thousand Pounds be levied upon Polls & Estates both Real & Personal within this Province according to such Rules & in such Proportion upon the several Towns & Districts within the same as shall be Agreed on & Ordered by the Great & General Court or Assembly of this Province at their Session in May One Thousand seven Hundred & twenty eight & paid into y<sup>e</sup> publick Treasury on or before the last Day of Decem<sup>r</sup> next after.

In Council; Read & Concur'd:—  
—Council Records, vol. XII., p. 179.

Consented to, W<sup>m</sup> DUMMER."

"Dec. 1. 1724. A Vote came up from the House of Representatives for the Emitting the Sum of £30,000, in Bills of publick Credit, W<sup>h</sup> being Read and Debated at the Board was Concur'd with some Amendments."—*Ibid.*, p. 243.

"Dec. 4. 1724. In Council; Voted that a Conference be desired with the Hon<sup>ble</sup> House of Representatives upon that Part of the Resolve for Emitting the Sum of £30,000 in Bills of Credit that relates to the Time of Drawing in the said Bills to the Treasury again, The said Conference to be attended as soon as may be."—*Ibid.*, p. 255.

(b.) "Dec. 11. 1724. In the House of Representatives Pursuant to the Direction in the Royal Charter in that Clause or Paragraph Impowering the General Court to impose & levy proportionable & reasonable Assessm<sup>ts</sup> Rates & Taxes;

RESOLVED that the Treasurer be & hereby is Impowered & Directed to Issue forth & Emit the Sum of Thirty Thousand Pounds in Bills of Credit on this Province for the necessary Defence & Support of the Governm<sup>t</sup> & the Protection & Preservation of the Inhabitants thereof; That is to say,

Ten Thousand Pounds drawn in already by Taxes &c, and the remaining Twenty Thousand Pounds to be put into his Hands by the Committee for Making the same; To be Issued & Disposed of by Warrant under the Hand of the Governour or Commander in Chief for the Time being with the Advice & Consent of the Council

Twenty nine Thousand two Hundred Pounds whereof shall be applied for the Uses, Intents & Purposes in this Resolve thereafter express'd; Viz., For the Payment of all Grants, Premiums & Stipends, established by Law, for the Defraying & Paying the Charges of Castle William & other Forts & Garrisons, Transports, Muster Rolls of Soldiers & Sailors, Allowances &c. and all other Accompts of Charges allowed & pass'd on for Payment by this Court.

And that the Sum of Eight Hundred Pounds being the Residue and Remaining Part of the said Sum of Thirty Thousand Pounds shall be applied to the Payment of Expresses dispatch'd in the Service of this Government in the Recess of this Court together with all necessary unforeseen Charges that demand prompt Payment w<sup>h</sup> shall arise in the Recess of this Court aforesaid; Provided always, that the several Draughts made on the Treasurer aforesaid shall express & declare out of which of the two several Sums above mentioned the Money is to be paid: And the said Bills shall pass out of the Treasury at the Value therein expressed, equivalent to Money & shall be so taken & Accepted in all publick Payments; —And that the Dutys of Impost & Excise together with all other publick Incomes shall be a Fund & Security for the Annual Payment & Drawing in the said Bills into the Treasury so far as the same will reach:—And as a further Fund & Security for the same, It is further RESOLVED that there be & hereby is Granted to His most Excellent Majesty for the Ends & Uses aforesaid & for no other Ends & Uses whatsoever a Tax of Five Thousand Pounds to be levied upon Polls & Estates both Real & Personal within this Province according to such Rules & in such Proportion upon the several Towns & Districts within the same as shall be Agreed on & Ordered by the Great & General Court or Assembly of this Province at their Session in May One Thousand seven Hundred & twenty five & paid into the Treasury on or before the last Day of December next after:—And that the further Sum of Five Thousand Pounds be levied upon Polls & Estates both Real & Personal with-

in this Province according to such Rules & in such Proportion upon the several Towns & Districts within the same as shall be Agreed on & Ordered by the Great & General Court or Assembly of this Province at their Session in May One Thousand seven Hundred & twenty six & paid into the Treasury on or before the last Day of December next after:

And that the further Sum of Five Thousand Pounds be levied upon Polls & Estates both Real & Personal within this Province according to such Rules & in such Proportion upon the several Towns & Districts within the same as shall be Agreed on & Ordered by the Great & General Court or Assembly of this Province at their Session in May One Thousand seven Hundred & twenty seven & paid into the Treasury on or before the last Day of December next after.

And that the further Sum of Fifteen Thousand Pounds (being the Remainder of the aforesaid Thirty Thousand Pounds) be levied upon Polls & Estates both Real & Personal within this Province according to such Rules & in such Proportion upon the several Towns & Districts within the same as shall be Agreed on & Ordered by the Great & General Court or Assembly of this Province at their Session in May One Thousand seven Hundred & twenty eight & paid into the Treasury on or before the last Day of December next after.

In Council; Read & Concur'd—  
—*Ibid.*, p. 286.

Consented to, W<sup>m</sup> DUMMER."



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ACTS,  
PASSED 1725-26.

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# ACTS

PASSED AT THE SESSION BEGUN AND HELD AT BOSTON,  
ON THE TWENTY-SIXTH DAY OF MAY, A.D. 1725.

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## CHAPTER 1.

AN ACT FOR GRANTING UNTO HIS MAJESTY SEVERAL RATES AND DUTIES OF IMPOST AND TUNNAGE OF SHIPPING.

WE, his majesty's most loyal and dutiful subjects, the representatives of his majesty's province of the Massachusetts Bay in New England, considering the necessity of calling in the sum of twenty-nine thousand six hundred sixty-six pounds thirteen shillings and fourpence, granted to his present majesty by bills emitted at the several sessions in the years 1720, 1722, 1723 and 1724, to be levyed and collected this present year, have chearfully and unanimously given and granted, and do hereby give and grant, unto his most excellent majesty, to the ends, use and intent aforesaid, and for no other use, the several duties of impost upon wines, liquors, goods, wares and merchandize that shall be imported into this province, and tunnage of shipping, hereafter mentioned and expressed, for calling in the sum of three thousand six hundred sixty-six pounds thirteen shillings and fourpence, part of the said sum of twenty-nine thousand six hundred sixty-six pounds thirteen shillings and fourpence, abovementioned; and pray that it may be enacted,—

*And be it accordingly enacted by the Lieutenant-Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

[SECT. 1.] That, after the twenty-ninth day of this instant June, there shall be paid by the importer of all wines, liquors, goods, wares and merchandizes that shall be imported into this province from the place of their growth (salt, cotton-wool, provisions and every other thing of the growth and produce of New England excepted), the several rates and duties of impost following; viz.,—

For every pipe of common wine of the Western Islands, twenty shillings.

For every pipe of Canary, thirty shillings.

For every pipe of Madera or Passada, twenty-five shillings.

For every pipe of other sorts, not mentioned, twenty-five shillings.

For every hogshead of rum containing one hundred gallons, twenty shillings.

For every hogshead of sugar, two shillings.

For every hogshead of molasses, one shilling.

For every hogshead of tobacco, twenty shillings.

For every tun of logwood, three shillings.

And so, proportionably, for greater or lesser quantities.

And for all other commodities, goods or merchandize not mentioned or excepted, one penny for every twenty shillings value: all goods imported from Great Britain excepted.

[SECT. 2.] And, for any of the above wines, liquors, goods, wares, merchandize, &c., that shall be imported into this province from any other ports than the places of their growth and produce, there shall be paid by the importer double the value of impost appointed by this act to be received for every species abovementioned, unless they do, *bona fide*, belong to the inhabitants of this province, and come upon their risque from the port of their growth and produce.

*And be it further enacted by the authority aforesaid,*

[SECT. 3.] That all the aforesaid imposts, rates and duties shall be paid in current money, or in bills of credit of this province, by the importer of any wines, liquors, goods or merchandize, unto the commissioner and receiver, to be appointed as is hereinafter directed for entring and receiving the same, at or before the landing of any wines, liquors, goods or merchandizes; only the commissioner or receiver is hereby allowed to give credit to such person or persons where his or their duty of impost, in one ship or vessel, doth exceed the sum of ten pounds; and in case where the commissioner or receiver shall give credit, he shall settle and ballance his accompts with every person so that the same accompts may be ready to be presented to this court in May next; and all entries where the impost or duty to be paid doth not exceed four shillings, shall be made without charge to the importer, and not more than sixpence to be paid for any other single entry, to what value soever.

*And be it further enacted by the authority aforesaid,*

[SECT. 4.] That all masters of ships or other vessels, coming into any harbour or port within this province, from beyond sea, or from any other province or colony, before bulk be broken and within twenty-four hours after his arrival to such harbour or port, shall make a report to the commissioner or receiver of the impost, to be appointed as is hereinafter mentioned, of the contents of the lading of such ship or vessel, without any charge or fee to be demanded or paid for the same; which report such master shall give in to the said commissioner or receiver, under his hand; and shall therein set down and express the quantities and species of the wines, liquors, goods and merchandizes laden on such ship or vessel, with the marks and numbers thereof, and to whom the same is consigned, and also to make oath that the said report or manifest of the contents of his lading, so to be by him given in under his hand, as aforesaid, contains a just and true accompt, to the best of his knowledge, of the whole lading taken on board and imported in the said vessel from the port or ports such vessel came from, and that he hath not broken bulk, nor delivered any of the wines, rhum or other distilled liquors or merchandizes, laden on said ship or vessel, directly or indirectly; and that if he shall know of any more wines, liquors, goods or merchandize to be imported therein, before the landing thereof he will cause it to be added to his manifest; which manifest shall be agreeable to a printed form made for that purpose, which is to be filled up by the said commissioner or receiver according to each particular person's entry; which oath the commissioner or receiver is hereby empowered to administer; after which such master may unload, and not before, on pain of one hundred pounds to be forfeited and paid by each master that shall neglect his duty on this behalf.

*And be it further enacted by the authority aforesaid,*

[SECT. 5.] That all merchants, factors and other persons, importers, being owners of or having any of the wines, liquors, goods or merchandizes consigned to them, that by this act are liable to pay impost or

duty, shall, by themselves or order, make entry thereof in writing under their hands, with the said commissioner or receiver, and produce unto him the original invoice of all such goods as pay *ad valorem*, and make oath thereto in manner following:—

You, A. B., do swear that the entry of the goods and merchandize by you now made, contains the true value, agreeable to the original invoice herewith exhibited; and that, according to your best skill and judgment, it is not less than the real cost thereof. So help you God.

—which abovesaid oath the commissioner or receiver is hereby impowered to administer; and they shall pay the duty and impost by this act required, before such wines, liquors, goods, wares or merchandizes be landed or taken out of the vessel in which the same shall be imported, on pain of forfeiting all such wines, liquors, goods, wares or merchandizes so landed or taken out of the vessel in which the same shall be imported.

[SECT. 6.] And no wines, liquors, goods, wares or merchandizes that by this act are liable to pay impost or duty, shall be landed on any wharff, or into any warehouse or other place, but in the daytime only, and that after sunrise and before sunset, unless in the presence and with the consent of the commissioner or receiver, on pain of forfeiting all such wines, liquors, goods, wares and merchandizes, and the lighter, boat or vessel out of which the same shall be landed or put into any warehouse or other place.

[SECT. 7.] And if any person or persons shall not have and produce an invoice of the quantities of rum or liquors to him or them consigned, then the cask wherein the same is, shall be gaged, at the charge of the importer, that the quantity thereof may be known.

*And be it further enacted by the authority aforesaid,*

[SECT. 8.] That every merchant or other person importing any wines into this province, shall be allowed twelve per cent for leakage: *provided* such wines have not been filled up on board; and that every hogshead, butt or pipe of wine that hath two third parts thereof leaked out, shall be accounted for outs, and the merchant or importer to pay no duty or impost for the same; and no master of any ship or vessel shall suffer any wines to be filled up on board without giving a certificate of the quantity so filled, under his hand, before the landing thereof, to the commissioner or receiver of the impost in such port, on pain of forfeiting the sum of fifty pounds.

[SECT. 9.] And if it be made to appear that any wines imported in any ship or vessel, be decayed at the time of unlading thereof, or in twenty days afterwards, oath being made before the commissioner or receiver that the same hath not been landed above that time, the duties and impost paid for such wines shall be repayed unto the importer thereof.

*And be it further enacted by the authority aforesaid,*

[SECT. 10.] That the master of any ship or vessel importing any wines, liquors, goods, wares or merchandize shall be lyable to and shall pay the impost for such and so much thereof, contained in his manifest, as shall not be duly entred, nor the duty paid for the same, by the person or persons to whom such wines, liquors, goods, wares or merchandize are or shall be consigned. And it shall and may be lawful to and for the master of every ship or other vessel to secure and detain in his hands, at the owner's risque, all such wines, liquors, goods, wares or merchandize, imported in such ship or vessel, until he shall receive a certificate, from the commissioner or receiver of the impost, that the duty for the same is paid, and until he be repaid his necessary charges in securing the same; or such master may deliver such wines, liquors,



goods, wares or merchandize as are not entred, unto the commissioner or receiver of the impost in such port, or his order, who is hereby impowred and directed to receive and keep the same at the owner's risque, until the impost thereof, with the charges, be paid; and then to deliver such wines, liquors, goods, wares or merchandize as such masters shall direct.

*And be it further enacted by the authority aforesaid,*

[SECT. 11.] That the commissioner or receiver of the impost in each port, shall be and hereby is impowred to sue the master of any ship or vessel for the impost or duty for so much of the lading of any wines, liquors, goods, wares and merchandizes imported therein, according to the manifest by him to be given upon oath, as aforesaid, as shall remain not entred and the duty or impost thereof not paid. And where the goods, wares or merchandizes are such as that the value thereof is not known, whereby the impost to be recovered of the master for the same cannot be ascertained, the owner or person to whom such goods, wares or merchandize are or shall be consigned, shall be summoned to appear as an evidence at the court where suit for the impost and duty thereof shall be brought, and be there required to make oath to the value of such goods, wares or merchandizes.

*And be it further enacted by the authority aforesaid,*

[SECT. 12.] That the ship or vessel, with her tackle, apparel and furniture, the master of which shall make default in anything by this act required to be performed by him, shall be liable to answer and make good the sum or sums forfeited by such master, according to this act, for any such default, as also to make good the impost or duty for any wines, liquors, goods, wares or merchandizes not entred as aforesaid and, upon judgment recovered against such master, the said ship or vessel, or so much of the tackle or appurtenances thereof as shall be sufficient to satisfy said judgment, may be taken in execution for the same. And the commissioner or receiver of the impost is hereby impowred to make seizure of such ship or vessel, and detain the same under seizure until judgment be given in any suit to be commenced and prosecuted for any of the said forfeitures or impost; to the intent that if judgment be rendered for the prosecutor or informer, such ship or vessel and appurtenances may be exposed for satisfaction thereof, as is before provided: *unless* the owners, or some on their behalf, for the releasing of such ship or vessel from under seizure or restraint, shall give sufficient security to the commissioner or receiver of the impost that seized the same, to respond and satisfy the sum or value of the forfeiture and duties, with charges, that shall be recovered against the master thereof, upon suit to be brought for the same, as aforesaid; and the master occasioning such loss and damage unto his owners, through his default or neglect, shall be liable unto their action for the same.

*And be it further enacted,*

[SECT. 13.] That the naval officer within any of the ports of this province, shall not clear or give passes to any master of any ship or other vessel, outward bound, until he shall be certified by the commissioner or receiver of the impost, that the duties and impost for the goods last imported in such ship or vessel are paid or secured to be paid. And the commissioner or receiver of the impost is hereby impowred to allow bills of store, to the master of any ship or vessel importing any wines or liquors, for such private adventures as shall belong to the master or seamen of such ship or other vessel, at the discretion of the commissioner or receiver, not exceeding three per cent of the lading; and the duties payable by this act for such wines or liquors in such bills of store mentioned and expressed, shall be abated.

*And be it further enacted by the authority aforesaid,*

[SECT. 14.] That all penalties and forfeitures accruing or arising by virtue of this act, shall be one half to his majesty for the uses and intents for which the aforementioned duties of impost are granted, and the other half to him or them that shall seize, inform and sue for the same, by action, bill, plaint or information in any of his majesty's courts of record, wherein no essoign, protection or wager of law shall be allowed; the whole charge of prosecution to be taken out of the half belonging to the informer.

*And be it further enacted by the authority aforesaid,*

[SECT. 15.] That there shall be paid by the master of every ship or other vessel, coming into any port or ports in this province to trade or traffick, whereof all the owners are not belonging to this province (except such vessels as belong to Great Britain, the provinces or colonies of Pensilvania, West and East Jersey, New York, Connecticut or Rhode Island), every voyage such ship or vessel does make, the sum of two shillings and sixpence per ton, or one pound of good new pistol powder, for every ton such ship or vessel is in burthen: *saving* for that part which is owned in Great Britain, this province, or any of the aforesaid governments (which is hereby exempted), to be paid unto the commissioner or receiver of the duties of impost, and to be employed for the ends and uses aforesaid.

[SECT. 16.] And the said commissioner is hereby impowred to appoint a meet and suitable person, to repair unto and on board any ship or vessel, to take the exact measure or tunnage thereof, in case he shall suspect that the register of such ship or vessel doth not express and set forth the full burthen of the same, the charge thereof to be paid by the master or owner of such ship or vessel before she be cleared, in case she appear to be of greater burthen; otherwise to be paid by the commissioner out of the monies received by him for impost; and shall be allowed him accordingly by the treasurer in his accompts. And the naval officer shall not clear any vessel until he be also certified by the said commissioner, that the duty of tunnage for the same is paid, or that it is such a vessel for which none is payable by this act.

*And be it further enacted by the authority aforesaid,*

[SECT. 17.] That there be one fit person, and no more, nominated and appointed by this court, as a commissioner and receiver of the aforesaid duties of impost and tunnage of shipping, and for the inspection, care and management of the said office, and whatsoever relates thereunto, to receive commission for the same from the governour or commander-in-chief for the time being, with authority to substitute and appoint a deputy receiver in each port, besides that wherein he resides, and to grant warrants to such deputy receiver for their said place, and to collect and receive the impost and tunnage of shipping aforesaid that shall become due within such port, and to render the accompts thereof, and pay in the same, to the said commissioner and receiver; which said commissioner and receiver shall keep fair books of all entries and duties arising by virtue of this act; also a particular account of every vessel, so that the duties of impost and tunnage arising on the said vessel may appear; and the same to lye open, at all seasonable times, to the view and perusal of the treasurer and receiver-general of this province (or any other person or persons whom this court shall appoint), with whom he shall accompt for all collections and payments, and pay in all such monies as shall be in his hands, as the treasurer or receiver-general shall demand it. And the said commissioner and receiver and his deputy and deputies, before their entring upon the execution of the said office, shall be sworn to deal truly and

faithfully therein, and shall attend in the office from nine to twelve of the clock in the forenoon, and from two to five of the clock in the afternoon.

[SECT. 18.] And the said commissioner and receiver, for his labour, care and expenses in the said office, shall have and receive, out of the province treasury, the sum of seventy pounds per annum; and his deputy or deputies to be paid for their service such sum and sums as the said commissioner and receiver, with the treasurer, shall agree, upon reasonable terms, not exceeding thirty pounds each; and the treasurer is hereby ordered, in passing and receiving the said commissioner's accounts, accordingly, to allow the payment of such salary or salaries, as aforesaid, to himself and his deputy or deputies.

*Provided,*

[SECT. 19.] That this act shall be and continue in force from the twenty-ninth day of this instant June, until the twenty-ninth day of June, which will be in the year of our Lord one thousand seven hundred and twenty-six, and no longer. [*Passed June 15.*]

## CHAPTER 2.

### AN ACT FOR APPORTIONING AND ASSESSING A TAX OF TWENTY THOUSAND POUNDS.

WHEREAS the great and general court or assembly of the province of the Massachusetts Bay in New England, at their sessions in the years 1720, 1722, 1723 and 1724, did pass four grants of a tax on polls and estates, as a fund and security for the payment and drawing in several sums in the bills of credit on this province, ordered to be imprinted, repeated and issued out of the publick treasury, for the service of the government; that is to say, at their session held in the month of November, one thousand seven hundred and twenty,\* ten thousand pounds; at their session held in November, one thousand seven hundred and twenty-two,† five thousand pounds; at their session held in May, one thousand seven hundred and twenty-three,‡ three thousand pounds; at their session held in November, one thousand seven hundred and twenty-three,§ six thousand six hundred sixty-six pounds thirteen shillings and fourpence; and five thousand pounds at their session held in November, one thousand seven hundred and twenty-four;|| applied to the ends and uses in the said grants particularly enumerated and expressed; and, by the resolves of the courts that made the aforesaid grants, it was then ordered, that the said sum of twenty-nine thousand six hundred sixty-six pounds thirteen shillings and fourpence, shall be apportioned, and assessed, and levied upon polls, and estates both real and personal, within this province, according to such rules, and in such proportion upon the several towns and districts within the same, as shall be agreed on and ordered by this court in their present session; *wherefore*, for the ordering, directing and perfecting the said sum of twenty thousand pounds, and for making further provision for any deficiency that may arise or accrue by any unforeseen accident in the funds and grants aforesaid, which, with the sum of nine thousand six hundred sixty-six pounds thirteen shillings and fourpence, by the duties of impost, and tannage of shipping, and excise, together with the income of the bills let out, and the light-house, will make the sum of twenty-nine thousand six hundred sixty-six pounds thirteen shillings and four-

\* NOTES to 1720-21, resolve (b).

† NOTES to 1722-23, resolve (c).

‡ NOTES to 1723-24, resolve (a). § *Ibid.*, resolve (b). || NOTES to 1724-25, resolve (b).

pence, pursuant to the funds and grants aforesaid, which is unanimously approved, ratified and confirmed; we, his majesty's most loyal and dutiful subjects, the representatives in general court assembled, pray that it may be enacted,—

*And be it accordingly enacted by the Lieut.-Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

[SECT. 1.] That each town or district within this province be assessed and pay as such town's and district's proportion of the aforesaid sum of twenty thousand pounds, the sums following; that is to say,—

#### IN THE COUNTY OF SUFFOLK.

Boston, three thousand three hundred sixty-eight pounds sixteen shillings and eightpence, . . .	£3,368	16s.	8d.
Roxbury, two hundred and nine pounds eleven shillings and eightpence, . . .	209	11	8
Dorchester, two hundred seventy pounds six shillings and eightpence, . . .	270	6	8
Hingham, two hundred and twelve pounds fifteen shillings, . . .	212	15	0
Brantry, two hundred and nineteen pounds eleven shillings and eightpence, . . .	219	11	8
Dedham, one hundred forty-five pounds fifteen shillings, . . .	145	15	0
Medfield, one hundred and three pounds, . . .	103	0	0
Medway, fifty pounds, . . .	50	0	0
Weymouth, one hundred forty-seven pounds eight shilling and fourpence, . . .	147	8	4
Milton, one hundred and seven pounds eleven shillings and eightpence, . . .	107	11	8
Hull, forty-nine pounds sixteen shillings and eightpence, . . .	49	16	8
Wrentham, one hundred and nineteen pounds, . . .	119	0	0
Mendon, one hundred twenty-nine pounds eleven shillings and eightpence, . . .	129	11	8
Woodstock, one hundred and five pounds eight shillings and fourpence, . . .	105	8	4
Brookline, eighty-six pounds eight shillings and fourpence, . . .	86	8	4
Sutton, forty pounds, . . .	40	0	0
Needham, sixty-four pounds six shillings and eightpence, . . .	64	6	8
Bellingham, twenty-two pounds, . . .	22	0	0
Oxford, twenty-five pounds fifteen shillings, . . .	25	15	0
Walpole, twenty-four pounds, . . .	24	0	0

#### IN THE COUNTY OF ESSEX.

Salem, five hundred thirty-two pounds one shilling and eightpence, . . .	532	1	8
Ipswich, five hundred seventy-one pounds eighteen shillings and fourpence, . . .	571	18	4
Newbury, four hundred seventy-seven pounds eighteen shillings and fourpence, . . .	477	18	4
Marblehead, four hundred and sixty pounds, . . .	460	0	0
Lynn, two hundred forty-nine pounds, . . .	249	0	0
Andover, two hundred thirty-six pounds eight shillings and fourpence, . . .	236	8	4
Beverly, two hundred and three pounds three shillings and fourpence, . . .	203	3	4

Rowley, one hundred eighty-eight pounds eight shillings and fourpence, . . . . .	£188	8s.	4d.
Salisbury, one hundred sixty-four pounds eight shillings and fourpence, . . . . .	164	8	4
Haverhill, two hundred and sixteen pounds, . . . . .	216	0	0
Glocester, two hundred forty pounds sixteen shillings and eightpence, . . . . .	240	16	8
Topsfield, one hundred and two pounds three shillings and fourpence, . . . . .	102	3	4
Boxford, ninety-one pounds eight shillings and fourpence, . . . . .	91	8	4
Almsbury, one hundred forty-nine pounds six shillings and eightpence, . . . . .	149	6	8
Bradford, one hundred pounds eleven shillings and eightpence, . . . . .	100	11	8
Wenham, ninety-three pounds three shillings and fourpence, . . . . .	93	3	4
Manchester, forty-three pounds eight shillings and fourpence, . . . . .	43	8	4

## IN THE COUNTY OF MIDDLESEX.

Cambridge, one hundred sixty-eight pounds six shillings and eightpence, . . . . .	168	6	8
Charlestown, four hundred fifty-four pounds one shilling and eightpence, . . . . .	454	1	8
Watertown, one hundred eighty-four pounds fifteen shillings, . . . . .	184	15	0
Concord, two hundred fifty-seven pounds fifteen shillings, . . . . .	257	15	0
Weston, seventy-eight pounds five shillings, . . . . .	78	5	0
Woburn, two hundred forty-nine pounds eleven shillings and eightpence, . . . . .	249	11	8
Reading, one hundred seventy-four pounds five shillings, . . . . .	174	5	0
Sudbury, two hundred and three pounds one shilling and eightpence, . . . . .	203	1	8
Marlborough, one hundred ninety-nine pounds three shillings and fourpence, . . . . .	199	3	4
Lexington, one hundred and twenty pounds five shillings, . . . . .	120	5	0
Newton, one hundred fifty-three pounds ten shillings, . . . . .	153	10	0
Malden, one hundred twenty-six pounds thirteen shillings and fourpence, . . . . .	126	13	4
Chelmsford, one hundred sixty pounds eleven shillings and eightpence, . . . . .	160	11	8
Billerica, one hundred fifty-eight pounds six shillings and eightpence, . . . . .	158	6	8
Sherbourn and Holliston, one hundred and six pounds eleven shillings and eightpence, . . . . .	106	11	8
Westborough, forty-three pounds sixteen shillings and eightpence, . . . . .	43	16	8
Groton, one hundred and eleven pounds three shillings and fourpence, . . . . .	111	3	4
Lancaster, one hundred twenty-four pounds six shillings and eightpence, . . . . .	124	6	8
Framingham, one hundred twenty-six pounds ten shillings, . . . . .	126	10	0
Medford, seventy-seven pounds, . . . . .	77	0	0



Stow, eighty-one pounds one shilling and eightpence,	£81	1s.	8d.
Worcester, thirty-three pounds six shillings and eightpence,	33	6	8
Dunstable, . . . . .	0	0	0
Dracut, twenty-nine pounds sixteen shillings and eightpence,	29	16	8
Leicester, twenty pounds, . . . . .	20	0	0
Littleton, thirty-three pounds six shillings and eightpence,	33	6	8
Rutland, . . . . .	0	0	0
Hopkinton, twenty pounds, . . . . .	20	0	0

## IN THE COUNTY OF HAMPSHIRE.

Springfield, two hundred and fifty pounds fifteen shillings, . . . . .	250	15	0
Northampton, one hundred ninety-four pounds sixteen shillings and eightpence, . . . . .	194	16	8
Hadley, one hundred and fourteen pounds fifteen shillings, . . . . .	114	15	0
Hatfield, ninety-three pounds eleven shillings and eightpence, . . . . .	93	11	8
Westfield, ninety-nine pounds ten shillings, . . . . .	99	10	0
Susfield, one hundred and nine pounds eleven shillings and eightpence, . . . . .	109	11	8
Enfield, ninety-six pounds sixteen shillings and eightpence, . . . . .	96	16	8
Deerfield, fifty-three pounds five shillings, . . . . .	53	5	0
Brookfield, thirty-three pounds six shillings and eightpence, . . . . .	33	6	8
Sunderland, thirteen pounds six shillings and eightpence, . . . . .	13	6	8

## IN THE COUNTY OF PLYMOUTH.

Plymouth, two hundred forty pounds five shillings, . . . . .	240	5	0
Plympton, one hundred seventy pounds sixteen shillings and eightpence, . . . . .	170	16	8
Scituate, three hundred and eighteen pounds six shillings and eightpence, . . . . .	318	6	8
Bridgewater, two hundred twenty-seven pounds five shillings, . . . . .	227	5	0
Marshfield, one hundred sixty-nine pounds fifteen shillings, . . . . .	169	15	0
Pembroke, seventy-eight pounds one shilling and eightpence, . . . . .	78	1	8
Duxborough, one hundred and four pounds eighteen shillings and fourpence, . . . . .	104	18	4
Middleborough, one hundred twenty-seven pounds ten shillings, . . . . .	127	10	0
Rochester, one hundred twenty-two pounds three shillings and fourpence, . . . . .	122	3	4
Abington, thirty-five pounds six shillings and eightpence, . . . . .	35	6	8

## IN THE COUNTY OF BRISTOL.

Bristol, one hundred and sixty pounds, . . . . .	160	0	0
Taunton, two hundred forty-seven pounds fifteen shillings, . . . . .	247	15	0

Norton, with North Purchase, ninety-eight pounds sixteen shillings and eightpence, . . . . .	£98 16s. 8d.
Dartmouth, three hundred pounds, . . . . .	300 0 0
Dighton, one hundred and thirteen pounds six shillings and eightpence, . . . . .	113 6 8
Rehoboth, two hundred sixty-seven pounds five shillings, . . . . .	267 5 0
Little Compton, two hundred and four pounds fifteen shillings, . . . . .	204 15 0
Swansey and Shewamet, one hundred and seventy-six pounds sixteen shillings and eightpence, . . . . .	176 16 8
Tiverton, one hundred and thirteen pounds six shillings and eightpence, . . . . .	113 6 8
Freetown, eighty-one pounds ten shillings, . . . . .	81 10 0
Attleborough, sixty pounds, . . . . .	60 0 0
Barrington, fifty-nine pounds fifteen shillings, . . . . .	59 15 0

## IN THE COUNTY OF BARNSTABLE.

Barnstable, two hundred seventy-six pounds five shillings, . . . . .	276 5 0
Yarmouth, one hundred seventy-two pounds ten shillings, . . . . .	172 10 0
Sandwich, one hundred seventy-six pounds eighteen shillings and fourpence, . . . . .	176 18 4
Eastham, one hundred eighty-seven pounds eight shillings and fourpence, . . . . .	187 8 4
Truro, eighty-nine pounds eleven shillings and eightpence, . . . . .	89 11 8
Harwich, one hundred and nineteen pounds eight shillings and fourpence, . . . . .	119 8 4
Falmouth, sixty-nine pounds fifteen shillings, . . . . .	69 15 0
Chatham, fifty-nine pounds fifteen shillings, . . . . .	59 15 0

## IN THE COUNTY OF YORK.

York, one hundred pounds, . . . . .	100 0 0
Kittery, and north part of the Isle of Shoals, two hundred twenty-nine pounds, . . . . .	229 0 0
Berwick, sixty pounds, . . . . .	60 0 0
Wells, sixty pounds, . . . . .	60 0 0
Falmouth, . . . . .	0 0 0
Biddeford, . . . . .	0 0 0
Arundel, . . . . .	0 0 0
Scarborough, . . . . .	0 0 0

## IN DUKES COUNTY.

Edgartown, seventy-nine pounds thirteen shillings and fourpence, . . . . .	79 13 4
Chilmark, one hundred twenty-nine pounds ten shillings, . . . . .	129 10 0
Tisbury, thirty-nine pounds sixteen shillings and eightpence, . . . . .	39 16 8

## NANTUCKET COUNTY.

Sherbourne, two hundred fifty-eight pounds eighteen shillings and fourpence, . . . . .	258 18 4
Amounting, in the whole, to the sum of twenty thousand pounds, . . . . .	£20,000 0 0

*And be it further enacted by the authority aforesaid,*

[SECT. 2.] That the treasurer do forthwith send out his warrants, directed to the selectmen or assessors of each town or district within this province, requiring them, respectively, to assess the sum hereby set upon such town and district, in manner following; that is to say, to assess all rateable male polls, above the age of sixteen years, at one hundred pence per poll (except the governour, lieutenant-governor, and their families, the president, fellows and students of Harvard College, settled ministers and grammar-school masters, who are hereby exempted as well from being taxed for their polls, as for their estates being in their own hands and under their actual management and improvement), and other persons (if such there be) who, thro' age, infirmity or extream poverty, in the judgment of the assessors, are not capable to pay towards publick charges, they may except their polls and so much of their estates as, in their prudence, they shall think fit and judge meet; and all estates, both real and personal, lying within the limits and bounds of such town or district, or next unto the same, not paying elsewhere, in whose hand, tenure, occupation or possession soever the same is or shall be found; and income by trade or faculty which any person or persons (except as before excepted) do or shall exercise in gaining, by money or other estate not particularly otherwise assessed, or commissions of profit in their improvement, according to their understanding and cunning, at one penny on the pound; and to abate or multiply the same, if need be, so as to make up the sum hereby set and ordered for such town or district to pay; and, in making their assessments, to estimate houses and lands at six years' income of the yearly rents whereat the same may be reasonably set or let for, in the places where they lye: *saving* all contracts betwixt landlord and tenant, and where no such contract is, the landlord to reimburse one-half of the tax set upon such houses and lands; and to estimate Indian, negro and mollatto servants, proportionably, as other personal estate, according to their sound judgment and discretion; as also to estimate every ox of four years old and upwards, at forty shillings; every cow of three years old and upwards, at thirty shillings; every horse and mare of three years old and upwards, at forty shillings; every swine of one year old and upwards, at eight shillings; every sheep and goat of one year old and upwards, at four shillings: likewise requiring the assessors to make a fair list of the said assessment, setting forth, in distinct columns, against each particular person's name, how much he or she is assessed at for polls, and how much for houses and lands, and how much for personal estate, and income by trade or faculty; and the list or lists so perfected and signed by them, or the major part of them, to commit to the collectors, constable or constables of such town or district, and to return a certificate of the name or names of such collector, constable or constables, together with the sum total to each of them respectively committed, unto himself, sometime before the last day of September next.

[SECT. 3.] And the treasurer for the time being, upon the receipt of such certificate, is hereby empowered and ordered to issue forth his warrants to the collectors, constable or constables of such town or district, requiring him or them, respectively, to collect the whole of each respective sum, assessed on each particular person, before the last day of March next; and of the inhabitants of the town of Boston, to collect their proportion sometime in the month of January foregoing; and to pay in their collection, and issue the accompts of the whole, at or before the last day of May next, which will be in the year of our Lord one thousand seven hundred and twenty-six.

*And be it further enacted by the authority aforesaid,*

[SECT. 4.] That the assessors of each town and district, respec-

tively, in convenient time before their making the assessment, shall give seasonable warning to the inhabitants, in a town meeting, or in posting up notifications in some place or places in such town or district, or otherwise to notify the inhabitants to give or bring in to the said assessors true and perfect lists of their polls and rateable estates; and if any person or persons shall neglect or refuse so to do, or bring in a false list, it shall be lawful to and for the assessors to assess such person or persons, according to their known ability in such town, in their sound judgment and discretion, their due proportion to this tax, as near as they can, agreeable to the rules herein given, under the penalty of twenty shillings for each person that shall be convicted by legal proof, in the judgment of the assessors, of bringing in a false list; the said fines to be for the use of the poor of such town or district where the delinquent lives, to be levied by warrant from the assessors, directed to the collector or constable, in manner as is directed for gathering town assessments, and to be paid in to the town treasurer or selectmen for the use aforesaid: *saving* to the party agrieved at the judgment of the assessors in setting such fine, liberty of appeal therefrom to the court of general sessions of the peace within the county, for relief, as in case of being overrated.

[SECT. 5.] And if the party be not convicted of any falseness in the list by him presented, of polls, rateable estate, or income by any trade or faculty which he doth or shall exercise in gaining, by money or other estate not particularly otherwise assessed, such list shall be a rule for such person's proportion to the tax, which the assessor may not exceed.

*And whereas* ofttimes sundry persons not belonging to this province bring considerable trade and merchandize, and, by reason that the tax or rate of the town where they come to trade or traffick is finished, and delivered to the constables or collectors, and, before the next year's assessment, are gone out of the province, and so pay nothing towards the support of the governm<sup>t</sup>, tho' in the time of their residing here they reap considerable gain by trade, and had the protection of the government,—

*Be it further enacted by the authority aforesaid,*

[SECT. 6.] That when any such person or persons shall come and reside in any town of this province for the space of twenty days, and bring any merchandize, and trade and deal therewith, the assessors of such town are hereby impowred to rate and assess all such persons according to their circumstances, pursuant to the rules and directions in this act provided, tho' the former rate may have been finished, and the new one not perfected, as aforesaid; and the constables or collectors are hereby enjoyned to levy and collect all such sums committed to them and pay the same into the town treasury. [*Passed June 17.*]

# ACTS

PASSED AT THE SESSION BEGUN AND HELD AT BOSTON,  
ON THE THIRD DAY OF NOVEMBER, A.D. 1725.

## CHAPTER 3.

AN ACT IN ADDITION TO AN ACT ENTITLED AN ACT ENABLING SHERIFFS AND CONSTABLES TO REQUIRE AID, &c., MADE IN THE TENTH YEAR OF THE REIGN OF THE LATE KING WILLIAM.

WHEREAS, notwithstanding the provision made in the said act, some question has arisen upon the power of constables, whether they have any authority to convey any persons, by them apprehended in pursuance of any lawful warrants or writ[t]s to them directed, any further than through their own towns and precincts,—

Preamble.  
1698, chap. 20.

*Be it declared and enacted by the Lieutenant-Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

That the constable or constables of the several towns within this province have full power and authority, in the execution of the several warrants or writ[t]s to them directed by lawful authority, to convey as well any prisoner or prisoners, as things, that they may take into their custody, either to the justice issuing such warrant or writ[t] or the common goal of the county where such constable is an inhabitant, according as in the writ[t] or warrant may be directed. [*Passed December 16, 1725; published January 3, 1725-26.*]

Constables' authority in the execution of writs and warrants.

## CHAPTER 4.

AN ACT TO IMPOWER THE SHERIFFS, CONSTABLES AND OTHER OFFICERS OF JUSTICE IN THE NEIGHBOURING PROVINCES AND COLONIES AS WELL TO PASS AND REPASS, AS TO CONVEY SUCH PERSONS OR THINGS AS MAY BE IN THEIR CUSTODY, ON THE SERVICE OF ANY WRIT[T], WARRANT OR OTHER PROCESS, BY AND THROUGH ANY OF THE ROADS OR PUBLICK WAYS LYING IN OR LEADING THROUGH ANY OF THE TOWNS OR LANDS OF THIS PROVINCE.

WHEREAS many of the towns of this province and the neighbouring provinces or colonies of New Hampshire, Connecticut and Rho[a]d[e] Island, and the publick roads leading to and from one another, are so intermixed that the officers of justice of the respective provinces and colonies, in the execution of writ[t]s, warrants and other processes, are oftentimes obliged (the roads or direct way so leading) to pass, and even to convey prisoners, through towns or lands not belonging to, or under the jurisdiction of, the province or colony unto which the sheriff, undersheriff, constables or other officers of justice executing such writ[t], warrant or other process belongs, and where the writ[t]s or warrants are returnable, but to the neighbouring colony or province;

Preamble.



whereupon some dispute, difficulty or inconvenience might arise, as well to the prejudice of the publick good as to the damage of private persons; for remedy whereof,—

*Be it enacted by the Lieutenant-Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

Sheriffs, &c., of the neighboring provinces allowed to pass and repass in this province, &c.

[SECT. 1.] That the sheriffs, undersheriffs, constables or other officers of justice of the neighbouring provinces or colon[ie][y]s, with their assistants, in the execution of any writ[t]s, warrants or other process, issuing from and returnable to their respective provinces or colonies, may and shall have full liberty, power and authority to pass and repass, and also to convey such persons or things as they have in their custody by v[er]tue of any writ[t] or warrant as aforesaid, in or by any of the roads or ways lying in or leading through any of the towns or lands of this province, in as full and ample manner as the officers of justice of this province do use and exercise in the discharge of their duty and office.

Penalty for obstructing them.

[SECT. 2.] And all persons insulting or obstructing such officers of justice of the neighbouring colonies or provinces, in the due execution of their office, as they are passing through any of the roads or lands of this province, shall be subject to the same pains and penalties as is provided for the protection of the proper officers of justice within this province. [*Passed December 7, 1725; published January 3, 1725-26.*]

## CHAPTER 5.

AN ACT IN ADDITION TO THE SEVERAL ACTS FOR THE MORE SAFE KEEPING THE REGISTRY OF DEEDS AND CONVEYANCES OF LANDS.

1715-16, chap. 5.

WHEREAS in an act made and pass'd in the first year of his present majest[y][ie]'s reign, entitled "An Act for the more safe keeping the registry of deeds and conveyances of lands," which act was temporary, but made perpetual by another act made in the seventh year of his majest[y][ie]'s reign, entitled "An Act in addition to an act entitled 'An Act for the more safe keeping the registry of deeds and conveyances of lands,'" it is, among other things, enacted "that, in case of non-acceptance, death or removal of any person elected to be register of deeds in any of the count[ie][y]s of this province, two or more of his majest[y][ie]'s justices within such county, *quorum unus*, be empowered to grant out their warrants, directed to the selectmen of the several towns within such county, ordering them forthwith to convene the freeholders of the respective towns and proceed to the choice of some other meet person, the said votes to be brought in as in the election of county treasurer," which is to be the next court of general session of the peace; by which method a vacancy may happen in the said office for some months, to the great damage and risque as well of particular persons as of the county in general; for remedy of which inconvenience,—

1720-21, chap. 12.

*Be it enacted by the Lieutenant-Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

Warrants for choosing a register of deeds to be returned to the justices issuing them, in case of the death, &c., of the register.

[SECT. 1.] That when any two or more of his majest[y][ie]'s justices of the peace, *quorum unus*, within any of the respective count[ie][y]s of this province, living in or near the shire town, shall, in case of the non-acceptance, death or removal of any person elected register of deeds for such county, grant out their warrants, directed to the selectmen of the several towns within such county, ordering them forthwith to convene the freeholders of their respective towns and pro-

ceed to the choice of some other meet person, as aforesaid, the said justices shall make their warrants returnable to themselves at a certain day, as soon as convenient may be, ordering the selectmen to seal up the votes for register and return them, together with the said warrants; and the abovesaid justices shall, at the same time, give out their notifications to the other justices of such county, of their proceedings herein, desiring them to meet, upon the day appointed for the return of the said warrants, at some certain place in the shire town; and the major part of the justices of such county, being met together on such day, the said votes for register shall be opened and sorted in presence of the said justices, and the person having the most votes shall be register of deeds for such county until the time appointed by law for the election of registers throughout this province.

*And be it further enacted by the authority aforesaid,*

[SECT. 2.] That, immediately upon a vacancy in the office of register of deeds in any county within this province, the clerk of the inferior court of common pleas, being first sworn before two of his majest[*y*][*ie*]'s justices of the peace, *quorum unus*, for the faithful discharge of this trust, shall take into his custody the several books wherein the deeds and conveyances of land are register'd, together with the deeds and other papers lying in the said office, and that the said clerk be, and hereby is, empowered to receive the deeds and other instruments bro't to be register'd, and [*he*] shall note upon them the time of their being received, and the record shall bear date accordingly, for which he shall be allowed sixpence for each deed, and no more; and upon the appointment of a new register as aforesaid, he shall deliver up the said books, deeds and papers into his hands; any law, usage or custom to the contrary notwithstanding. [*Passed November 30, 1725; published January 3, 1725-26.*]

Clerk of the pleas to receive deeds, &c., in case of a vacancy in the register's office.

The clerk's fee for receiving deeds, &c.

## CHAPTER 6.

AN ACT FOR ALTERING THE TIME FOR HOLDING THE COURT OF GENERAL SESSIONS OF THE PEACE AND INFERIOUR COURT OF COMMON PLEAS WITHIN THE COUNTY OF BARNSTABLE.

WHEREAS, the time by law appointed for holding the court of general sessions of the peace and inferiour court of common pleas, at Barnstable, for the county of Barnstable, on the third Tuesday in April, yearly, is found to be inconvenient, forasmuch as the superiour court of judicature, court of assize and general goal delivery is holden at Plymouth, within and for the countys of Plymouth, Barnstable and Duke's County, on the last Tuesday in April, annually, so that no appeal from said court of general sessions of the peace or inferiour court of common pleas holden at Barnstable, on said third Tuesday in April, can be issued at the said superiour court holden at Plymouth, in less than a year; which many times proves of very ill consequence,—

Preamble.

1715-16, chap. 2.

*Be it therefore enacted by the Lieutenant-Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

That the court of general sessions of the peace and inferiour court of common pleas, for and within the county of Barnstable, appointed by law to be on the third Tuesday in April, annually, be henceforth held and kept on the first Tuesday in April, yearly, as formerly by law established; any law, usage or custom to the contrary notwithstanding. [*Passed November 30, 1725; published January 3, 1725-26.*]

Inferior court, &c., for Barnstable to be held at Barnstable the first Tuesday of April, yearly. 1699-1700, chap. 2, § 2.

## CHAPTER 7.

## AN ACT FOR ENCOURAGING THE RAISING OF HEMP WITHIN THIS PROVINCE.

*Be it enacted by the Lieutenant-Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

Premium for  
hemp.  
1713-16, chap.  
19.  
1718-19, chap. 5.

[SECT. 1.] That from and after the first day of May next, there shall be paid out of the publick treasury, the sum of eighteen shillings and eightpence, for every hundred-and-twelve pounds of water-rotted, and well cured and clean dress'd hemp, of the growth of this province, that is brought to the surveyor or surveyors within any county; and so in proportion for a less quantity, not less than fifty-six pounds weight; the quantity and quality of hemp to be certified to the treasurer, under the hands of such skilful surveyor or surveyors as the governour or commander-in-chief, with the advice and consent of the council, shall from time to time nominate and appoint, who shall be paid by the vender one shilling for every hundred-and-twelve pounds they shall survey; and so in proportion for a greater or lesser quantity.

Quality of  
hemp.

*And be it further enacted by the authority aforesaid,*

Surveyors to be  
appointed and  
sworn.

[SECT. 2.] That no hemp shall be accounted merchantable within the intent of this act, but such as shall be bright, well cured and water-rotted, of three feet, at least, in length, and cleansed fit for use, and so certified under the hand of one or more surveyor or surveyors, to be appointed as aforesaid; and such surveyors shall have an oath administered unto them by the governour, or such person or persons as the governour, with the advice and consent of the council, shall appoint, of the tenor as is provided in an act made and pass'd the thirteenth year of the reign of King William, entituled "An Act to encourage the sowing and well-manufacturing of hemp within this province." And no person shall be entituled to any præmium for hemp till he hath made oath, before the treasurer of the province, or surveyor to be appointed as aforesaid (who are hereby impowered to administer the same), that the said hemp is, *bona fide*, the produce and growth of this province, and that he nor any other person hath received the præmium for the same, or any part thereof.

1701-2, chap. 13.

Extraordinary  
premium for  
224 pounds  
weight.

*And be it further enacted by the authority aforesaid,*

[SECT. 3.] That if any one person shall bring to the market the quantity of two hundred twenty-four pounds weight of hemp, and shall make oath before the treasurer that the whole of such quantity was raised by him within one year, and that he, nor any person else, hath received the præmium for any part thereof, he shall be allowed four shillings and eightpence per hundred, over and above what is before allowed by this act.

Surveyor to  
certify that the  
oath is taken.

*And be it further enacted,*

[SECT. 4.] That when any surveyor, appointed as aforesaid, shall view or survey any hemp in any town (except Boston), when he certifies to the treasurer the quantity and quality of the hemp, he shall also certify that the owner hath taken the oath appointed by this act to be taken by the person claiming the bounty allowed in this act.

Continuance of  
this act.

[SECT. 5.] This act to continue and be in force for the space of five years from the publication thereof, and no longer. [*Passed December 21, 1725; published January 23, 1725–26.*]

## CHAPTER 8.

AN ACT IN FURTHER ADDITION TO THE SEVERAL ACTS OR LAWS OF THIS PROVINCE, RELATING TO THE OFFICE AND DUTY OF A CORONER.

WHEREAS, by the aforesaid acts, a coroner is not impowered to constitute or appoint a deputy or deput[ie][y]s under him, to serve such writ[t]s as he is enabled by law to serve, so that, by reason thereof, there may be a failure or delay of justice; for prevention whereof,—

Preamble.  
1700-1, chap. 3.  
1717-18, chap. 4

*Be it enacted by the Lieutenant-Governour, Council and Representatives in General Court assembled, and by the authority of the same.*

That, from and after the publication of this act, it shall and may be lawful for the several coroners within this province to constitute and appoint one or more deput[ie][y]s for and within their respective counties; and the persons so deputed and sworn are hereby authorized to serve and execute all such writ[t]s and process as shall be directed to the coroner or his deputy, wherein the plaintiff, defendant or complainant shall be a sheriff, undersheriff or deputy, of any of the count[ie][y]s within this province; any law, usage or custom to the contrary notwithstanding. [*Passed January 1; published January 3, 1725-26.*]

Coroners empowered to appoint deputies for serving writs, &c.  
7 Mass. 142.

## CHAPTER 9.

AN ACT FOR REPEALING AN ACT ENTITLED "AN ACT FOR [THE] RELIEF AND RELEASE OF POOR PRISONERS FOR DEBT."

WHEREAS the act for relief and release of poor prisoners for debt, made and pass'd in the tenth year of the reign of King William the Third, was design'd for the benefit of such debtors as, by the providence of God, and through great and inevitable losses and disappointments, are become the proper objects of the publick compassion; yet it is found by experience that the said act, instead of answering the good intention aforesaid, has been a shelter to vicious and improvident persons, a great encouragem[en]t to idleness and ill-husbandry, and too much a temptation to perjury, as well as injurious and oppressive to many honest creditors,—

Preamble.  
1698, chap. 11.

*Be it therefore enacted by the Lieutenant-Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

That the said act for relief and release of poor prisoners for debt, and every article and clause therein, shall be repealed and annulled, and hereby are declared to be repealed and annulled, to all intents and purposes whatsoever. [*Passed December 10, 1725; published January 3, 1725-26.*]

## CHAPTER 10.

AN ACT IN ADDITION TO THE SEVERAL ACTS OR LAWS OF THIS PROVINCE, FOR THE REGULATION OF THE CIVILIZED INDIANS INHABITING THIS PROVINCE, AND PREVENTING OPPRESSION OR ABUSES TO THEM.

WHEREAS, notwithstanding the care already taken and provided by several acts and laws of this province, for the protection of the Indian

Preamble.

1718-19, chap. 9. natives, many oppressions, injuries and abuses are daily committed towards them, to the great dishonour of God and the damage of the said Indians; for the further remedy and prevention thereof,—

*Be it enacted by the Lieutenant-Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

No married Indian to be bound out.

[SECT. 1.] That no married Indian shall bind him- or herself a servant for any term of years; and all indentures to be made or enter'd into by such married Indians shall be utterly void and of none effect; and that no Indian child shall be bound out as an apprentice or servant, without the consent of the mother, as well as the father, of such child, if living.

Mother of Indian child to consent to the indenture.

*And be it further enacted by the authority aforesaid,*

Conditions to be observed in all indentures.

[SECT. 2.] That no indenture of any Indian, whatsoever, shall be good or valid unless approbated by two justices of the peace, both present at signing such indenture, or at the general sessions of the peace in the several counties of this province; and the Indian's part of the indenture to be lodged with one of the justices aforesaid, if approbated by them, or with the clerk of the sessions, and not to be deliver'd up until as well the term as the conditions on the part of the English master or mistress are fulfilled and certified accordingly.

*And be it further enacted,*

No bill, bond, &c., suable against any Indian for more than forty shillings, unless approved by the general sessions.

[SECT. 3.] That no bill, bond or book-debt, whatsoever, shall be good or suable against any Indian native of this province, for more than the sum of forty shillings, unless such bill, bond or book-debt be allowed and approved of by the court of general sessions of the peace in the county where the debt shall be contracted.

*And whereas* it is, of necessity, as well for the English as the Indians at Nantucket[t], Martha's Vineyard and many of the towns in the count[ie][y]s of Barnstable and Plymouth, that the Indians be employed in the whaling- and other fishing voyages,—

*Be it therefore enacted by the authority aforesaid,*

Exceptions as to fishing, &c.

[SECT. 4.] That it shall and may be lawful for such of the English as are or may be concerned in the fishery, as aforesaid, anything in this act notwithstanding, to agree or indent with any of the Indians for that purpose, for the term of two years, but no longer. at any one time, nor until said term shall be expired; and also to assist the said Indians in building houses for them on their own lands, and furnishing them and their families as well with fuel, as necessary subsistence, during such time: *provided, always,* that such indenture or written agreement, and also such expence and suppl[ie][y]s be examined and allowed of in manner as is already directed by this act.

*Provided, also,*

Proviso.

[SECT. 5.] That this act shall not extend or be construed to hinder any Indian of full age from hiring him- or herself out to husbandry, or any other work, on shoar, for any term of time, not exceeding twelve months, upon reasonable wages, so as that the same be done with the approbation of two of his majest[y][ie]'s justices of the peace, both present together at such approbation.

*And be it further enacted by the authority aforesaid,*

No Indians to be carried beyond the sea, unless security given for their return.

[SECT. 6.] That no Indian native of this province, upon any pretence whatsoever, shall be sent or carried out of this province, beyond the seas, unless by order or leave of the general sessions of the peace, or superiour court of judicature, court of assize and general goal delivery, or security given to two of his majesty[y][ie]'s justices of the peace, in a sum not exceeding one hundred pounds, for and towards the support of the government of this province, conditioned for the returning of such Indian (death, danger of the seas, captivity or inevitable accident excepted), and to be made out by the party giving such security,



on the pain and penalty of forfeiting the sum of sixty pounds; one-third part thereof to be to and for the use and benefit of him or them that shall inform and sue for the same, the other two-thirds to be for and towards the support of this government.

*And whereas* there are, or may be, many indentures now standing out against the Indian natives of this province, w<sup>h</sup>[ic]h, upon examination, might be found oppressive and unjustly obtained,—

*Be it further enacted by the authority aforesaid,*

[SECT. 7.] That no indenture already made of any Indian native of this province, of full age, shall be good or valid in the law for more than one year after the publication of this act, unless the same shall be examined and approbated in open court; viz., either at his majesty's court of general sessions of the peace, or superiour court of judicature, to be holden for the county where such Indian is inhabitant or resident; any law, usage or custom to the contrary notwithstanding.

Indentures already made to be examined.

[SECT. 8.] This act to continue for the term of three years, and no longer. [*Passed December 28, 1725; published January, 3, 1725-26.*]

Term of this act.

## CHAPTER 11.

AN ACT FOR THE ALLOWING NECESSARY SUPPL[IE][Y]S TO THE EASTERN INDIANS, AND FOR REGULATING TRADE WITH THEM, AND FOR THE REPEALING AN ACT ENTITLED "AN ACT TO PROHIBIT TRADE AND COMMERCE WITH THE EASTERN INDIANS," MADE AND PASS'D IN THE EIGHTH YEAR OF HIS PRESENT MAJEST[Y][IE]'S REIGN.

*WHEREAS* the Indians in the eastern parts of this province, having been, some years past, in hostilities and rebellion, have now submitted themselves, and recognized their subjection and obedience, to the crown of Great Britain, and have their dependence on this government for supplies of cloathing and other necessar[ie][y]s: to the intent, therefore, that they may be furnished with the same at such easy rates and prices as may oblige them to a firm adherence to his majesty's interest,—

Preamble.

*Be it enacted by the Lieutenant-Governor, Council and Representatives in General Court assembled, and by the authority of the same,*

[SECT. 1.] That provisions, cloathing and other suppl[ie][y]s suitable for the carrying on a trade with the said Indians, not exceeding the value of four thousand pounds, be, at the session of this court in May next, procured at the cost and charge of this province, and the produce thereof applied, from time to time, for the supplying of the said Indians as aforesaid, by such person or persons as shall annually be chosen by this court, who shall take the direction of the governor and council in the recess of the court, as occasion shall require: *provided, always,* such direction be not inconsistent with the instructions of this court; and likewise annually lay before this court fair accounts of all his or their proceedings herein; which supplies of cloathing, provisions and other things, shall be lodged at such places to the eastward of Falmouth, in Casco Bay, as the general court shall, from time to time, order and appoint.

Supplies to be made to the Indians.

*And be it further enacted,*

[SECT. 2.] That a suitable person, having no interest in lands eastward of Falmouth in Casco Bay, be annually chosen and appointed by this court for each of the places where any of the goods aforesaid are

Truck-masters.

lodged, as a truck-master, to have the care and management of the trade with the Indians; which truck-masters shall be under oath, and shall give sufficient security for the faithful discharge of that trust, and attending such instructions as shall be from time to time given them by this court, and, in the recess of the court, by the governour and council as aforesaid.

Their duty.

[SECT. 3.] And the said truck-masters shall keep fair accompts of their trade and dealings with the said Indians, and shall return the same, together with the produce thereof, from time to time, to the person or persons who shall be appointed to supply them with goods, as aforesaid; the said accompts to be laid before the court; and they shall not trade with the said Indians on behalf or accompt of themselves or any other person or persons. And, in case of the death of any such truck-master, or mismanagement in that trust, during the recess of the court, another shall be put into his place, by the governour, with the advice of the council, until the next session of the general court; which persons shall be disinterested beyond Falmouth, as aforesaid.

Directions to the truck-masters.

*And be it further enacted by the authority aforesaid,*

[SECT. 4.] That the said truck-masters shall sell the goods to the Indians at the price set in the invoices sent them, from time to time, without any advance thereon; and shall allow the Indians, for their furs and other goods, as the market shall be at Boston, according to the latest advices that they shall receive, from the person or persons that shall supply them, for the same commodities of equal goodness.

*And be it further ordained and enacted by the authority aforesaid,*

[SECT. 5.] That the truck-masters do supply the Indians with rum in moderate quantities, as they shall in prudence judge convenient and necessary, at the rate as charged in the invoice from time to time.

*And be it enacted by the authority aforesaid,*

No strong drink to be sold to the Indians but by the truck-masters.

[SECT. 6.] That, from and after the publication of this act, no person or persons, whatsoever, other than the truck-masters that shall be appointed in manner as is before provided, shall or may presume, by themselves, or any other for them, directly or indirectly, to sell, give, truck, barter or exchange, to any of the aforesaid Indians, any strong beer, ale, cyder, perry, wine, rum, brandy or other strong liquor[s] by what name or names soever called or known, on penalty of forfeiting the sum of fifty pounds, or six months' imprisonment for each offence. And in case any rum or strong liquors shall be sold or traded with, on board any ship or vessel, or transported into those parts for sale, all such rum or strong liquors shall be also forfeited.

Penalty.

Disposition of the fines.

[SECT. 7.] And the offences aforesaid shall be tryed at any of his majesty's courts of record within this province; and the justices of the said courts are accordingly impowered to hear and determine thereon: one mo[r]ty, of all fines and forfeitures arising by vertue of this act to be laid out in procuring supplies for the carrying on the trade with the Indians, the other mo[r]ty, to him or them that shall inform or sue for the same in any of the courts aforesaid.

[SECT. 8.] This act to continue and be in force to the end of the session of the general assembly in May, one thousand seven hundred and thirty-one.

*And be it further ordained by the authority aforesaid,*

Repeal of the act prohibiting trade, &c. 1721-22, chap. 2.

[SECT. 9.] That the aforesaid act, entitled "An Act to prohibit trade and commerce with the Eastern Indians," made and pass'd in the eighth year of his present majesty's reign, be and hereby is declared to be null and void, and is repealed and made null and void to all intents and purposes whatsoever. [Passed January 1; published January 3, 1725–26.]

## CHAPTER 12.

AN ACT FOR DIVIDING THE TOWN OF HAVERHILL AND ERECTING A NEW TOWN THERE, AND IN PARTS ADJACENT; BY THE NAME OF METHUEN.

WHEREAS the west part of the town of Haverhill, within the county of Essex, and parts adjacent not included within any township, is competently filled with inhabitants, who labour under great difficult[ie][y]s by their remoteness from the place of publick worship, &c., and they having made their application to this court that they may be set off a distinct and sep[arate] town, and be vested with all the powers and privileges of a town,—

*Be it therefore enacted by the Lieutenant-Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

[SECT. 1.] That the west part of the said town of Haverhill, with the lands adjoining, be and hereby are set off and constituted a sep[arate] township by the name of Methuen: the bounds of the said township to be as follows; viz., beginning at the mouth of Hawks'-Meadow Brook, so called, in Merrimack River, and from thence to run, half a point to the northward of the north-west, to an heap of stones, or till it intersect Haverhill line; from thence, upon a str[aight] course, to the head of Dunstable line; and so upon Dracut line, about four miles, to a pine, south-east; from thence, six miles or thereabouts, upon Dracut line, south, to Merrimack River; and from thence, to run down the said river, about ten miles and forty pole, till it comes to the first-mentioned bounds; and that the inhabitants of the said lands, as before described and bounded, be and hereby are [in]vested with the powers, privileges and immunit[ies] that the inhabitants of any of the towns of this province by law are or ought to be vested with.

*Provided,*

[SECT. 2.] That the inhabitants of the said town of Methuen do, within the space of three years from the publication of this act, erect and finish a suitable house for the publick worship of God, and procure and settle a learned orthodox minister, of good conversation, and make provision for his comfortable and honourable support; and that they set apart a lot of two hundred acres of land, in some convenient place in the said town, for the use of the ministry, and a lot of fifty acres for the use of a school; and that thereupon they be discharged from any further payments for the maintenance of the ministry in Haverhill.

*And be it further enacted by the authority aforesaid,*

[SECT. 3.] That the inhabitants of the said town of Methuen be, and hereby are, impowered to assess all the lands of non-residents, lying within the said town, twopence per acre, towards the building of the meeting-house and set[ting] a minister there.

*Provided, nevertheless,*

[SECT. 4.] That there be, and hereby is, made a reservation or saving of the right and property of the province lands, if any there be within the bounds aforesaid, to this province. [Passed December 8, 1725; published January 3, 1725-26.]

Preamble.

West part of Haverhill made a town called Methuen. Bounds of the said town.

Meeting-house to be erected there.

Lands of non-residents to be taxed.

## CHAPTER 13.

AN ACT FOR DIVIDING TAUNTON NORTH PURCHASE, SO CALLED, IN THE TOWNSHIP OF NORTON, AND ERECTING A NEW TOWN IN THE EASTERLY HALF THEREOF, BY THE NAME OF EASTON.

## Preamble.

WHEREAS, in the year 1710,\* when the township of Norton was granted by the general assembly of this province, provision was made that the inhabitants in the east end of the said North Purchase should have one-half of the said purchase when they were able to maintain a minister, and this court judge them so; and the said east half of the said North Purchase is now competently filled with inhabitants, who have already built a house for the publick worship of God, and provided an able and orthodox minister; and have, thereupon, addressed this court that they may be set off a distinct and separate town, to be vested with all the powers and privileges of the other towns of this province,—

*Be it therefore enacted by the Lieutenant-Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

A new town in Taunton North Purchase, called Easton.

[SECT. 1.] That the easterly mo[i][y]ety or half part of the tract of land commonly called and known by the name of Taunton North Purchase, bounded, westerly, on the township of Norton (w[hi]ch contains the westerly half part of the said North Purchase); southerly, upon the town of Taunton; northerly, on the town of Dorchester; and easterly, on the town of Bridgewater; be and hereby is set[t] off and constituted a separate township, by the name of Easton; and that the inhabitants of the said lands, as before described and bounded, be and hereby are vested with the powers, privileges and immunities that the inhabitants of any of the towns of this province by law are, or ought to be, vested with.

A schoolmaster to be procured and maintained.

[SECT. 2.] And that the inhabitants of the said town of Easton do, within six months from the publication of this act, procure and maintain a schoolmaster to instruct their youth in writing and reading; and that thereupon they be discharged from any payments for the maintenance of the school in Norton. [*Passed December 21, 1725; published January 3, 1725-26.*]

## CHAPTER 14.

AN ACT FOR DIVIDING THE TOWN OF CHARLESTOWN, AND ERECTING A NEW TOWN THERE BY THE NAME OF STONEHAM.

## Preamble.

WHEREAS the northerly part of the town of Charlestown, within the county of Middlesex, is competently filled with inhabitants, who labour under great difficult[ie][y]s by their remoteness from the place of publick worship, &c., and have thereupon made their application to the said town of Charlestown, and have likewise addressed this court, that they may be set off a distinct and separate town, and be vested with all the powers and privile[d]ges of a town; and the inhabitants of Charlestown, by their agents, having consented to their being set off accordingly; and a committee of this court having viewed the northerly part of the said town of Charlestown, and reported in favour of the petitioners,—

\* Sic. The resolve was passed Mar. 17, 1710-11, but the act is 1711-12, chap. 4, g. v.

*Be it therefore enacted by the Lieutenant-Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

[SECT. 1.] That the northerly part of the said town of Charlestown; that is to say, all the lands lying on the east side of Woburn, the south side of Reading, the west side of Malden, and the north side of the fifth range of the first division of Charlestown wood-lots, be, and hereby is, set off and constituted a separate township, by the name of Stoneham; and that the bounds and limits of the said town of Stoneham be according to the agreement made in November, one thousand seven hundred and twenty-five, by and between the committee or agents for and in behalf of the said town of Charlestown, and the petitioners of the northerly part thereof; wherein it was consented and agreed that the five ranges or remaining part of the said first division, do remain to the town of Charlestown, agreeable to a former grant of the town made in the year 1657–8; and that the inhabitants of the northerly half of Charlestown should have and enjoy that tract of land, lying in the bounds a[fore]s[aid], commonly called and known by the name of Gould's Farm, now under lease to Mess[ieu]rs Thomas and Daniel Gould, containing one hundred and ten acres or thereabouts; also one-half of all the town's meadow and upland lying on Spot Pond, both for quantity and quality, containing seventy-nine acres, by Capt. Burnap's plat[t], as an estate in fee, with an equal share in Spot Pond; the said land[s], or the value thereof, to be improved for the settling and maintaining an orthodox minister, to dispense the word and ordinances among them; the inhabitants of the said northerly half of Charlestown being, by virtue of the said agreement, to be debarred from any claims or demands of and to any lands, money, rents or incomes, of what kind soever, which now are or shall belong to the town of Charlestown, as well those several farms and land lying within the bounds abovesaid, as all other estate or income, either real or personal, and from all demands for highways, that so the town of Charlestown may quietly and peaceably enjoy the same; and further it is to be understood, that none of the land contained in the two-ranges-and-half belonging to the first division, shall, on any pretence whatsoever, be assessed or taxed by the said town of Stoneham, except those lands that shall be put under improvement, such as mowing, ploughing and pasturing.

Northerly part of Charlestown made a town called Stoneham.

Bounds of the said town.

*And be it further enacted by the authority aforesaid,*

[SECT. 2.] That the inhabitants of the northerly half of Charlestown, living within the bounds aforesaid, be and hereby are vested with the powers, privile[d]ges and immunit[ie][y]s that the inhabitants of any of the towns of this province by law are, or ought to be, vested with; and that the inhabitants of the said town of Stoneham do, within the space of two years from the publication of this act, erect and finish a suitable house for the publick worship of God, and, as soon as may be, procure and settle a learned, orthodox minister, of good conversation, and make provision for his comfortable and honourable support; and likewise provide a schoolmaster to instruct their youth in writing and reading; and that, thereupon, they be discharged from any payments for the maintenance of the ministry and school in the town of Charlestown.

Meeting-house to be built, &c.

*Provided,*

[SECT. 3.] That the inhabitants of Stoneham, nevertheless, are to pay their respective proportions to two several assessments, already made by the assessors of Charlestown, for county and town charges; and David Gould, one of the present constables of Charlestown, is required to collect and pay in such parts and proportions of each of said assessments, as are committed to him by the said assessors of

Two assessments to Charlestown to be collected.



Charlestown, according to the powers and directions in the warrants duly made and deliver'd; anything in this act to the contrary notwithstanding. [*Passed December 17, 1725; published January 3, 1725–26.*]

## CHAPTER 15.

### AN ACT FOR APPORTIONING AND ASSESSING A TAX OF FORTY-EIGHT THOUSAND SEVEN HUNDRED AND NINETEEN POUNDS.

1720-21, chap  
14, § 8.

WHEREAS by virtue of an act or law of this province, made in the seventh year of his majesty's reign, for making and emitting the sum of fifty thousand pounds in bills of credit, the said sum was lodged in the hands of the province treasurer, who was impowred, by the said act, to distribute the same to the several towns within this province, accordingly; each town's proportion therein mentioned to be lett out at interest by their trustees, or otherwise improved, as they should judge most beneficial for them; and, as a fund and security for the repayment and drawing in of the said bills into the publick treasury, there was granted, unto the king's most excellent majesty, a tax of fifty thousand pounds, to be levied on polls and estates, both reall and personall, within this province, to be paid in manner and proportion as hereinafter is expressed; *and whereas* it appears to this court that the treasurer hath paid to the several towns hereafter mentioned, the sum of forty-eight thousand seven hundred and nineteen pounds, according to each town's proportion set by the said act, and no more; the towns of Groton, Worcester, Barnstable, Wells and Biddiford (who were thereby entitled to receive the sum of one thousand two hundred and eighty-one pounds of the treasurer, as their proportion of, and to compleat and make up, the said fifty thousand pounds) not having demanded or received the same; *and inasmuch* as the assessors or selectmen of each town are annually chosen some time in the month of March, and there being not a sufficient space of time, between their choice and the time of payment of the said bills by that act directed, for the assessing and collecting the said sum, and the towns having liberty by the said act to pay in the same by the last of May, annually, either by their trustees or out of their town stocks,—

*Be it therefore enacted by the Lieutenant-Governor, Council and Representatives in General Court assembled, and by the authority of the same,*

[SECT. 1.] That each town or district within this province, except the said towns of Groton, Worcester, Barnstable, Wells and Biddiford, (who received no part of the said loan), be assessed and pay, as such town and district's proportion of the aforesaid sum of forty-eight thousand seven hundred and nineteen pounds (being what the said towns received out of the publick treasury), the several sums following; that is to say,—

#### IN THE COUNTY OF SUFFOLK.

Boston, nine thousand one hundred and sixty-five pounds, . . . . .	£9,165	0s.	0d.
Roxbury, five hundred twenty-three pounds fifteen shillings, . . . . .	523	15	0
Dorchester, six hundred ninety-eight pounds, . . . . .	698	0	0
Ilingham, five hundred thirty-one pounds ten shillings, . . . . .	531	10	0
Brantrey, five hundred forty-eight pounds, . . . . .	548	0	0

Dedham, four hundred twenty-three pounds five shillings, . . . . .	£423	5s.	0d.
Medfield, two hundred fifty-seven pounds ten shillings, . . . . .	257	10	0
Bellingham, seventy-four pounds, . . . . .	74	0	0
Medway, one hundred twenty-four pounds, . . . . .	124	0	0
Weymouth, three hundred sixty-eight pounds and ten shillings, . . . . .	368	10	0
Milton, two hundred sixty-eight pounds fifteen shillings, . . . . .	268	15	0
Hull, one hundred twenty-four pounds, . . . . .	124	0	0
Wrentham, two hundred seventy-two pounds ten shillings, . . . . .	272	10	0
Mendon, three hundred and thirteen pounds ten shillings, . . . . .	313	10	0
Woodstock, two hundred sixty-three pounds five shillings, . . . . .	263	5	0
Brooklyn, two hundred and fifteen pounds ten shillings, . . . . .	215	10	0
Needham, one hundred and sixty pounds, . . . . .	160	0	0
Oxford, sixty-four pounds, . . . . .	64	0	0

## IN THE COUNTY OF ESSEX.

Salem, one thousand three hundred and thirty pounds, . . . . .	1,330	0	0
Ipswich, one thousand four hundred and twenty-nine pounds, . . . . .	1,429	0	0
Newbury, one thousand one hundred and ninety-four pounds, . . . . .	1,194	0	0
Marblehead, one thousand one hundred and thirty-two pounds ten shillings, . . . . .	1,132	10	0
Lynn, six hundred and twenty-one pounds, . . . . .	621	0	0
Andover, five hundred eighty-eight pounds ten shillings, . . . . .	588	10	0
Beverly, five hundred and eighteen pounds, . . . . .	518	0	0
Rowley, four hundred sixty-nine pounds ten shillings, . . . . .	469	10	0
Salisbury, four hundred and ten pounds ten shillings, . . . . .	410	10	0
Haverhill, five hundred thirty-eight pounds ten shillings, . . . . .	538	10	0
Glocester, six hundred pounds ten shillings, . . . . .	600	10	0
Topsfield, two hundred fifty-five pounds, . . . . .	255	0	0
Boxford, two hundred twenty-eight pounds, . . . . .	228	0	0
Amesbury, three hundred seventy-three pounds, . . . . .	373	0	0
Bradford, two hundred fifty-one pounds, . . . . .	251	0	0
Wenham, two hundred thirty-two pounds, . . . . .	232	0	0
Manchester, one hundred and eight pounds, . . . . .	108	0	0

## IN THE COUNTY OF MIDDLESEX.

Cambridge, four hundred and twenty pounds ten shillings, . . . . .	420	10	0
Charlestown, one thousand one hundred thirty-five pounds, . . . . .	1,135	0	0
Watertown, four hundred sixty-two pounds, . . . . .	462	0	0
Weston, one hundred ninety-five pounds ten shillings, . . . . .	195	10	0
Concord, six hundred forty-four pounds ten shillings, . . . . .	644	10	0
Wobourn, six hundred twenty-four pounds, . . . . .	624	0	0
Reading, four hundred thirty-five pounds ten shillings, . . . . .	435	10	0
Sudbury, five hundred and eight pounds, . . . . .	508	0	0

Marlborough, four hundred ninety-eight pounds, . . .	£498	0s.	0d.
Lexington, three hundred pounds ten shillings, . . .	300	10	0
Newton, three hundred eighty-three pounds ten shillings, . . . . .	383	10	0
Malden, three hundred and seventeen pounds, . . .	317	0	0
Chelmsford, four hundred and one pounds ten shillings, . . . . .	401	10	0
Billerica, three hundred ninety-six pounds, . . .	396	0	0
Sherbourn, two hundred sixty-seven pounds, . . .	267	0	0
Westborough, one hundred and eight pounds fifteen shillings, . . . . .	108	15	0
Lancaster, three hundred and ten pounds ten shillings, . . . . .	310	10	0
Framingham, three hundred and fifteen pounds ten shillings, . . . . .	315	10	0
Medford, one hundred and sixty pounds, . . . . .	160	0	0
Stow, one hundred seventy-seven pounds fifteen shillings, . . . . .	177	15	0
Dunstable, ninety-six pounds, . . . . .	96	0	0
Dracut, seventy-four pounds ten shillings, . . . . .	74	10	0
Leicester, fourteen pounds, . . . . .	14	0	0
Littleton, fifty pounds, . . . . .	50	0	0

## IN THE COUNTY OF HAMPSHIRE.

Springfield, six hundred twenty-seven pounds five shillings, . . . . .	627	5	0
Northampton, four hundred eighty-six pounds fifteen shillings, . . . . .	486	15	0
Hadley, two hundred eighty-six pounds fifteen shillings, . . . . .	286	15	0
Hatfield, two hundred thirty-three pounds fifteen shillings, . . . . .	233	15	0
Westfield, two hundred forty-eight pounds fifteen shillings, . . . . .	248	15	0
Suffield, two hundred seventy-three pounds fifteen shillings, . . . . .	273	15	0
Enfield, two hundred and sixteen pounds fifteen shillings, . . . . .	216	15	0
Deerfield, one hundred thirty-three pounds five shillings, . . . . .	133	5	0
Brookfield, fifty pounds, . . . . .	50	0	0
Sunderland, twenty-five pounds, . . . . .	25	0	0

## IN THE COUNTY OF PLYMOUTH.

Plymouth, six hundred pounds fifteen shillings, . . .	600	15	0
Plympton, two hundred sixty-nine pounds five shillings, . . . . .	269	5	0
Situate, seven hundred ninety-six pounds, . . . . .	796	0	0
Bridgwater, five hundred sixty-eight pounds, . . .	568	0	0
Marshfield, four hundred twenty-four pounds five shillings, . . . . .	424	5	0
Pembroke, one hundred ninety-five pounds, . . . . .	195	0	0
Duxborough, two hundred sixty-two pounds five shillings, . . . . .	262	5	0
Middleborough, three hundred and eighteen pounds ten shillings, . . . . .	318	10	0
Rochester, three hundred and five pounds, . . . . .	305	0	0
Abbingdon, eighty-eight pounds ten shillings, . . .	88	10	0

## IN THE COUNTY OF BRISTOL.

	£400	Os.	Od.
Bristol, four hundred pounds, . . . . .	£400	0s.	0d.
Taunton, six hundred and nineteen pounds five shillings, . . . . .	619	5	0
Norton, two hundred forty-seven pounds, . . . . .	247	0	0
Dartmouth, six hundred and eighty pounds, . . . . .	680	0	0
Dighton, two hundred eighty-three pounds, . . . . .	283	0	0
Rehoboth, six hundred sixty-eight pounds, . . . . .	668	0	0
Little Compton, five hundred and eleven pounds, . . . . .	511	0	0
Swansey, four hundred forty-two pounds, . . . . .	442	0	0
Tiverton, two hundred twenty-nine pounds, . . . . .	229	0	0
Freetown, two hundred and four pounds, . . . . .	204	0	0
Attleborough, two hundred seventy-nine pounds, . . . . .	279	0	0
Barrington, one hundred forty-nine pounds five shillings, . . . . .	149	5	0

## IN THE COUNTY OF BARNSTABLE.

Sandwich, four hundred forty-two pounds five shillings, . . . . .	442	5	0
Eastham, four hundred sixty-eight pounds ten shillings, . . . . .	468	10	0
Truro, two hundred twenty-four pounds, . . . . .	224	0	0
Yarmouth, four hundred thirty-one pounds five shillings, . . . . .	431	5	0
Harwich, two hundred ninety-eight pounds five shillings, . . . . .	298	5	0
Falmouth, one hundred seventy-four pounds five shillings, . . . . .	174	5	0
Chatham, one hundred forty-nine pounds five shillings, . . . . .	149	5	0

## IN DUKES COUNTY.

Edgartown, one hundred ninety-nine pounds, . . . . .	199	0	0
Chilmark, three hundred twenty-three pounds ten shillings, . . . . .	323	10	0
Tisbury, ninety-nine pounds ten shillings, . . . . .	99	10	0

## IN THE COUNTY OF YORK.

York, three hundred fifty-nine pounds ten shillings, . . . . .	359	10	0
Kittery, five hundred forty-six pounds ten shillings, . . . . .	546	10	0
Berwick, two hundred forty pounds fifteen shillings, . . . . .	240	15	0
Falmouth, twenty-five pounds, . . . . .	25	0	0

Nantucket, six hundred forty-seven pounds, . . . . .	647	0	0
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£48,719 0 0

*And be it further enacted by the authority aforesaid,*

[SECT. 2.] That the aforesaid sum of forty-eight thousand seven hundred and nineteen pounds shall be paid into the publick treasury, by the respective trustees, or otherwise paid, within or by the expiration of five years, in manner following; viz<sup>t</sup>, nine thousand seven hundred and forty-three pounds sixteen shillings, by or before the last day of May, one thousand seven hundred and twenty-six; nine thousand seven hundred and forty-three pounds sixteen shillings more, by or before the last day of May, one thousand seven hundred and twenty-seven; nine thousand seven hundred and forty-three pounds sixteen shillings more, thereof, by the last day of May, one thousand seven

hundred and twenty-eight; nine thousand seven hundred and forty-three pounds sixteen shillings more, thereof, by or before the last day of May, *anno Dom.* one thousand seven hundred and twenty-nine; and nine thousand seven hundred and forty-three pounds sixteen shillings, residue thereof, by or before the last day of May, which will be in the year of our Lord one thousand seven hundred and thirty; which makes up the whole forty-eight thousand seven hundred and nineteen pounds aforesaid.

*And be it further enacted,*

[SECT. 3.] That in case the towns, by their trustees or otherwise, neglect to pay into the province treasury, annually, on or before the first day of June, for the space of five years, the proportion or fifth part of the province bills by them received, the treasurer of this province, for the time being, do and hereby is directed, immediately, to send out his warrants, from time to time, yearly, during the five years aforesaid, directed to the selectmen or assessors of each town or district before mentioned, requiring them, respectively, in the month of July, yearly, and every year during the said five years, to assess the aforesaid sum of nine thousand seven hundred and forty-three pounds sixteen shillings, upon the inhabitants of such town or district, in manner following; that is to say, to assess all ratable male polls, above the age of sixteen years, at fifty pence per poll (except the governor, lieutenant-governor and their families, the president, fellows and students of Harvard College, settled ministers and grammar-school masters, who are hereby exempted as well from being taxed for their polls, as for their estates being in their own hands and under their actual management and improvement); and other persons (if such there be) who, through age, infirmity or extreme poverty, in the judgment of the assessors, are not capable to pay towards publick charges, they may except their polls or so much of their estates as, in their prudence, they shall think fitt and judge meet; and all estates, both real and personal, lying within the limits and bounds of such town or district, or next unto the same, not paying elsewhere, in whose hand, tenure or possession the same is or shall be found; and income by trade or faculty, which any person or persons (except as before excepted) do or shall exercise in gaining, by money or other estate not particularly otherwise assessed, or commissions of profit, in their judgment, according to their understanding and cunning, at one penny on the pound; and to abate or multiply the same, if need be, so as to make up the sum hereby set and ordered for such town or district to pay; and, in making their assessments, to estimate houses and lands at six years' income of the yearly rents whereat the same may be reasonably set or let for in the places where they lye: *saving* all contracts betwixt landlord and tenant, and where no such contract is, the landlord to reimburse one-half of the tax set upon such houses and lands; and to estimate Indian, negro and molatto servants, proportionably, as other personal estate, according to their sound judgment and discretion; as also to estimate every ox of four years old and upwards, at forty shillings; every cow at three years old and upwards, at thirty shillings; and every horse and mare of three years old and upwards, at forty shillings; every swine of one year old and upwards, at eight shillings; every sheep and goat of one year old and upwards, at four shillings: likewise requiring the assessors yearly, and every year, during the said five years, in the month of July, to make a fair list of the said assessment, setting forth, in distinct collums, against each particular person's name, how much he or she is assessed at for polls, and how much for houses and lands, and how much for personal estate, and income by trade or faculty; and the list or lists so perfected and signed, in the month of July, yearly, during the said



five years, by them or a major part of them, to commit to the collectors, constable or constables of such town or district, and to return a certificate of the name or names of such collector, constable or constables, together with the sum totall to each of them respectively committed, unto himself, some time before the last day of July, yearly.

[SECT. 4.] And the treasurer for the time being, upon the receipt of such certificate, is hereby impowred and ordered to issue forth his warrants to the collectors, constable or constables of such town or district, requiring him or them, respectively, to collect the whole of each respective sum assessed, annually, as aforesaid, on each particular person, on or before the last day of August, yearly, during the said five years; when the whole sum of forty-eight thousand seven hundred and nineteen pounds will be fully paid. [*Passed November 25, 1725; published January 3, 1725–26.*]

NOTES.—There were three sessions of the General Court this year, at two of which, only, acts were passed. The third session began April 13, 1726, and was dissolved the next day.

Chapters 1, 2 and 15 of the foregoing acts were not printed with the sessions acts. Chapters 1 and 2, and, possibly, chapter 15 were, however, printed and distributed separately.

The engrossments of all but the first two chapters are preserved.

All these acts, except chapters 12, 13 and 14, were transmitted, by the Secretary of the Board of Trade, to Mr. Fane, for his opinion thereupon, August 11, 1726, and, December 29, following, he reported that he "had no objection to their being pass'd into Law."

(a.) "June 16. 1725. In the House of Representatives Pursuant to the Direction in the Royal Charter in that Clause or Paragraph Impowering the General Court to impose & levy proportionable & reasonable Assessments, Rates & Taxes;

RESOLVED that the Treasurer be & hereby is Impowred & Directed to Issue forth & Emit the Sum of Forty Thousand Pounds in Bills of Credit on this Province for the necessary Defence & Support of this Governmt & the Protection & Preservation of the Inhabitants thereof, That is to say Ten Thousand Pounds Part thereof already drawn in by Taxes &c. & Twenty Thousand Pounds put into his Hands by the Committee appointed to make the said Bills the last Session of this Court And the remaining Ten Thousand Pounds to be put into the Hands of the Treasurer by the Committee for Making the same to be Issued out & Disposed of by Warrant under the Hand of the Governour or Commander in Chief for the Time being with the Advice & Consent of the Council:—Thirty nine Thousand Pounds thereof shall be applied for the Uses, Intents & Purposes in this Resolve hereafter expressed; Viz, For the Payment of all Grants, Premiums & Stipends established by Law for the Defraying & Paying the Charge of Castle William & other Forts & Garrisons, Transports, Muster Rolls of Soldiers & Sailors, Allowances &c. and all other Accounts of Charges allowed & Pass'd on for Payment by this Court; And that the Sum of One Thousand Pounds being the Residue & remaining Part of the said Sum of Forty Thousand Pounds shall be applied for the Payment of Expresses dispatch'd in the Service of this Governmt in the Recess of this Court, together with all necessary unforeseen Charges that demand prompt Payment which shall arise in the Recess of the Court as aforesaid, *Provided always* that the several Draughts made upon the Treasurer aforesaid express & declare out of which of the two several Sums above named the Money is to be paid.

And the said Bills shall pass out of the Treasury at the Value therein expressed Equivalent to Money & shall be so taken & Accepted in all publick Payments:—And that the Dutys of Impost & Excise together with all other publick Incomes shall be a Fund & Security for the Annual Repayment & Drawing in of the said Bills into the Treasury again so far as the same will reach.

And as a further Fund & Security for the same, It is further Resolved that there be & hereby is Granted to His Most Excellent Majesty for the Ends & Uses aforesaid & for no other Ends & Uses whatsoever a Tax of Twenty Thousand Pounds to be levied upon Polls & Estates both Real & Personal within this Province according to such Rules and in such Proportion upon the several Towns & Districts within the same as shall be agreed on & Ordered by the Great & General Court or Assembly of this Province at their Session in May One Thousand seven Hundred & twenty nine and paid into the Treasury on or before the last Day of Decemr next after.

And that the further Sum of Twenty Thousand Pounds be levied upon Polls & Estates both Real & Personal within this Province according to such Rules & in such Proportion upon the several Towns & Districts within the same as shall be Agreed on & Ordered by the Great & General Court or Assembly of this Province at their Session in May One Thousand seven Hundred & thirty & paid into the Treasury on or before the last Day of December next after.

In Council; Read & Concur'd—  
—*Council Records, vol. XII., p. 356.*

Consented to, WM DUMMER."

(b.) "Nov. 30. 1725. In the House of Representatives Pursuant to the Direction in the Royal Charter in that Clause or Paragraph impowering the General Court to impose & levy proportionable & reasonable Assessments, Rates & Taxes;—RESOLVED that the Treasurer be & hereby is impowred & directed to issue forth & emit the Sum of thirty thousand Pounds in Bills of Credit on this Province for the necessary Defence & Support

of the Government & the Protection & Preservation of the Inhabitants thereof, The said thirty thousand Pounds being already put into the Hands of the Treasurer by the Committee appointed to make the same the last Session of this Court, To be issued & disposed of by Warrant under the hand of the Governour or Commander in Chief for the time being with the Advice & Consent of the Council, Twenty nine thousand Pounds whereof shall be applied for the Uses, Intents & Purposes in this Resolve hereafter express'd, viz<sup>t</sup> For the payment of all Grants, Premiums & Stipends established by Law, For the defraying & paying the Charge of Castle William & other Forts & Garrisons, Transports, Muster Rolls of Soldiers & Sailors, Allowances &c<sup>a</sup> & all other Accompts of charges allowed & pass'd on for Payment by this Court, And that the Sum of one thousand Pounds being the Residue & remaining Part of the said Sum of thirty thousand Pounds shall be applied for the Payment of Expresses dispatched in the Service of this Government in the Recess of this Court, together with all necessary unforeseen Charges that demand prompt Payment, which shall arise in the Recess of the Court as aforesaid; *Provided always* that the several Draughts made upon the Treasurer aforesaid, express & declare out of which of the two several Sums aforementioned the Money is to be paid, And that the said Bills shall pass out of the Treasury at the Value therein expressed, Equivalent to Money, and shall be so taken & accepted in all publick Payments. And that the Duties of Impost & Excise, together with all other publick Incomes shall be a Fund and Security for the annual Repaym<sup>t</sup> & Drawing the said Bills to the Treasury again, so far as the same will reach. And as a further Fund & Security for the same—It is further RESOLVED that there be and hereby is granted to his most Excellent Majesty for the Ends & Uses afores<sup>d</sup> and for no other Ends & Uses whatsoever a Tax of ten thousand Pounds, to be levied upon Polls & Estates both real & personal within this Province, according to such Rules & in such Proportion upon the several Towns & Districts within the same, as shall be agreed on & ordered by the Great & General Court or Assembly of this Province, at their Session in May one thousand seven hundred & thirty one, and paid into the Treasury on or before the last day of Dec<sup>r</sup> next after.

And that the further Sum of ten thousand Pounds be levied upon Polls & Estates both real & Personal within this Province according to such Rules and in such Proportion upon the several Towns & Districts within the same as shall be agreed on & Ordered by the Great & General Court or Assembly of this Province, at their Session in May one thousand seven hundred & thirty two, and paid into the Treasury on or before the last day of December next after.

And that the further Sum of ten thousand Pounds, being the Remainder of the afores<sup>d</sup> thirty thousand Pounds be levied upon Polls & Estates both real & personal within this Province according to such Rules & in such Proportion upon the several Towns & Districts within the same as shall be agreed on & ordered by the Great & General Court or Assembly of this Province at their Session in May one thousand seven hundred and thirty three, and paid into the Treasury on or before the last day of December next after.

In Council, Read & Concur'd;—  
—*Ibid.*, vol. XIII., p. 40.

Consented to W<sup>m</sup> DUMMER."

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ACTS,  
PASSED 1726-27.

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# ACTS

PASSED AT THE SESSION BEGUN AND HELD AT BOSTON,  
ON THE TWENTY-FIFTH DAY OF MAY, A.D. 1726.

## CHAPTER 1.

### AN ACT FOR THE BETTER CURING AND CULLING OF FISH.

WHEREAS fish is one of the principal staple commodit[ie][y]s of the production of this place for exportation, and there have been many defects in the curing and culling of the same by many persons for particular interest, to the great loss of those that have owned it after ship'd; and that sometimes by reason that the shoreman or maker of the fish (who has not taken effectual care to see that it was good and thoroughly cured), and sometimes by reason of the too great forwardness of the buyers of [the] fish, and masters of vessels to get their loading of fish, who do take upon them in time of scarcity of fish to receive and house or ship merchantable and refuse fish before it has been a reasonable time asho[a]r[e], or well and sufficiently dry'd and cured, so as to be fit to ship off to a market, whereby the said commodity has proved bad and damnified, when got to a market, and so has brought disgrace and disreputation on the fish of this count[r]y; for remedy whereof for the future,—

Preamble.  
1723-24, chap. 6.

*Be it enacted by the Lieutenant-Govern[ou]r, Council and Representatives in General Court assembled, and by the authority of the same,*

[SECT. 1.] That from and after the publication of this act, no cod-fish brought in and deliver'd to any shoreman, or others, to be cured in order to be sold and exported to any for[r]eign market[s], from the twentieth of October to the tenth of March, shall be exposed to sale until such fish has been asho[a]r[e] and wash'd out at least two months, on penalty of forfeiting all such fish so exposed to sale, or the value thereof.

Time for fish to  
be ashore and  
washed out.

*And be it further enacted,*

[SECT. 2.] That no fish brought in and delivered, as aforesaid, from the tenth of March to the twentieth of October, shall be exposed to sale until such fish hath been on sho[a]r[e] and wash'd out thirty days at the least, under the penalty aforesaid; and all fish that shall be ship'd on board any ship or vessel as dry fish, or bought and received, [and] [or] sold and deliver'd to be carried out of the province for a market, or otherwise, shall be thoroughly cured and dryed, both merchantable, middling and refuse cod, and also all scale fish that shall be so ship'd, on the penalty of ten pounds, to be paid by the seller, and ten pounds by the buyer.

Penalty for  
selling or buy-  
ing fish not well  
cured.

*And be it further enacted by the authority aforesaid,*

[SECT. 3.] That the cullers that now are or shall hereafter be chosen to cull fish, shall take effectual care that all merchantable fish

Duty of cullers.



has been thoroughly wrought in the pile, well made and thoroughly dried and cured, and that they shall not pass the cull on it till it be so cured and dried, as aforesaid.

*And be it further enacted,*

Penalty for  
shipping fish  
not culled.

[SECT. 4.] That no person whatsoever shall presume to ship any merchantable fish for a for[r]eign market, till it be pass'd as such by the sworn culler, on penalty of forfeiting the same, or the value thereof; and also the master of any ship or vessel, or any receiver for him, that shall receive on board such ship or vessel, to be transported out of the province, any merchantable fish for a for[r]eign market, before it has pass'd the cull as by this act is provided, shall forfeit and pay five shillings for every quintal so received, or suffered to be received, on board before culled.

*And be it further enacted by the authority aforesaid,*

Bargains for  
fish to be com-  
plied with.

[SECT. 5.] That if any merchant or other person or persons shall agree with any shoreman, or any other person or persons, for his load of fish, or other smaller quantity, for exportation, and such agreement be made before two sufficient witnesses, or a memorandum in writing sign'd by the parties, such shoreman or owner of such fish shall not dispose of the fish so sold or agreed for, to any other person whatsoever under the penalty of ten shillings for each quintal, to be paid to the merchant or buyer; and that all fish so sold and agreed for, being well cured and ready to pass the cull by a sworn culler appointed for that purpose, and the same being tender'd by the owner of such fish to the merchant or purchaser thereof, such merchant or purchaser of said fish shall be and hereby is obliged to receive the same according to the agreem[en]t made; and in case of his refusal, shall forfeit and pay to the owner of such fish ten shillings per quintal.

Penalty.

*And be it further enacted,*

Appointment  
of cullers.

[SECT. 6.] That the justices of the court of general sessions of the peace in each county within this province, shall be and hereby are empowered to appoint suitable and meet persons in every town or place within their respective counties where fish is cured [and] [or] dried, and that at their sessions immediately after the first day of June yearly; and the selectmen of each town where the fishing trade is carried on shall present a list of suitable persons for cullers, which shall contain twice so many as they [shall] judge necessary for that office; out of which list the justices shall appoint a fit number, if they approve of the persons so nominated; if not, they may nominate and appoint others whom they shall think proper; and it shall be in the power of the merchant and buyer of fish to chuse his culler or cullers out of the number appointed as aforesaid in the town where the fish is.

Buyer to choose  
his culler.

[SECT. 7.] And all cullers shall deliver a certificate to the merchant or master, of all merchantable fish culled by them and put on board his ship or vessel; and in case there should arise any difference between the buyer and seller relating to the culling of fish, it shall be decided by two other sworn cullers, one to be chosen by the seller, and the other by the buyer, together with the former culler, two of which agreeing shall determine that matter.

In case of dif-  
ference, how to  
be determined.

[SECT. 8.] And all cullers of fish so chosen by the general sessions of the peace for such town or place respectively, shall, in discharge of their trust, every of them, take the following oath before the court of general sessions of the peace, or before one or more justices of the peace, and a certificate of the persons being sworn return'd to the clerk of the sessions; viz.,—

Culler's oath.

I, A. B., do swear, that I will faithfully and impartially, to the best of my judg[e]m[en]t perform the duty and office of a culler of fish for the year ensuing, and until another be appointed and sworn in my room; and that I

will alwa[*y*][*ie*]'s have a regard to the particular directions of the act for the better regulating the curing and culling of fish. So help me God.

*And be it further enacted,*

[SECT. 9.] That if any person or persons whatsoever shall presume to cull merchantable fish for shipping off for a for[r]eign market, who is not a sworn culler, as by this act is appointed, shall forfeit and pay the sum of five pounds for every parcel of fish he shall so cull: the one half to the poor of the place where the offence shall be committed, and the other half to the sworn culler or cullers of the said town or place, or any other person or persons who shall inform and sue for the same.

No person to cull without being sworn, on penalty.

*And be it further enacted by the authority aforesaid,*

[SECT. 10.] That the culler of fish shall receive for his service one pen[n]y for each quintal of fish that shall be culled by him, one half thereof to be paid by the buyer, and the other half by the seller: and in case any sworn culler shall directly or indirectly receive any bribe or gratuity from [any] [either] party, or any other person or persons, such sworn culler, being convicted thereof, shall forfeit and pay the sum of twenty pounds.

Rate for culling.

Penalty in case of bribery.

*And be it further enacted,*

[SECT. 11.] That it shall be lawful for any sworn culler to go on any place where fish is cured to cull it: and if any owner or curer of fish shall refuse to let any lawful culler go [to] [on] his rock or place of curing fish, to cull it, if desired by the purchaser or shipper of said fish, he shall forfeit and pay the sum of five pounds for every parcel of fish that he shall refuse to suffer to be culled by such indifferent culler: and he shall not be allowed to confine the culling of his fish to any particular culler that he himself shall chuse.

Penalty for hindering sworn cullers.

*And be it further enacted by the authority aforesaid,*

[SECT. 12.] That no merchant or master, or other person, shall ship any other [than] codfish on board any ship or vessel that loads merchantable fish than what is merchantable, unless the said master make oath before the impost officer, at his clearing with him, of what quantities of middling or refuse codfish he hath taken or ship'd on board said vessel for himself or any other person: and the impost officer is hereby ordered not to clear any ship or vessel laden with fish until the master has made oath as aforesaid.

Oath to be made of middling and refuse codfish shipped.

*And be it further enacted,*

[SECT. 13.] That all forfeitures and penalties arising by force and virtue of this act (not otherwise disposed of therein) shall be one half to the poor of the place where the offence shall be committed, and the other half to the informer, or to him or them that shall sue for the same in any of his majest[*y*][*ie*]'s courts of record within this province; any law, usage or custom to the contrary notwithstanding.

Disposition of the forfeitures.

[SECT. 14.] This act to continue and be in force for the space of five years from the publication thereof, and no longer. [*Passed June 23; published June 27.*]

Limitation.

## CHAPTER 2.

### AN ACT FOR THE BETTER REGULATING OF SWINE.

*Be it enacted by the Lieutenant-Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

[SECT. 1.] That from and after the first day of July next, no swine shall be suffered to go at large, or be out of the inclosure of the owner thereof, under the penalty of one shilling, for each swine, for the first

No swine to go at large.

1720-21, chap. 9. offence, and two shillings for the second offence, together with costs of prosecution, to be forfeited and paid by the owner of such swine found going at large, as aforesaid; which fine or forfeiture, together with the charge of prosecution, may be recovered by the proper hogreves, or any other person, by bill, plaint or information, before any one of his majest[*y*][*ie*]'s justices of the peace in such county where such forfeiture shall arise, or by impounding such swine and proceeding with them as the law hath directed in case of impounding.

*And whereas it may so happen that the owner of such swine as go at large may not be known,—*

Swine going at large to be impounded.

[SECT. 2.] In such case the party that finds any swine going at large shall have power to impound them; and if no owner appear within forty-eight hours, or appearing, do neglect or refuse to pay the forfeiture, together with the charges, that then the party impounding them shall cause them to be cryed or posted up in the town where they are impounded, and in the two towns next adjoining; and shall likewise cause the marks of the swine to be entered with the town clerk, and shall relieve such swine during the time they are in pound.

No owner appearing, &c., swine to be sold.

[SECT. 3.] And if no owner appear and pay the s[*ai*]d penalty and charges within ten days after such impounding, then such swine shall be sold at an outcry, to the highest bidder, by two suitable persons, to be appointed and sworn to the faithful discharge of their trust by the next justice of the peace, or town clerk where no justice dwells; which sellers shall give publick notice of the time and place of such sale twenty-four hours beforehand; and out of the proceeds of such sale shall pay unto the party the said forfeiture and costs, as by bill allowed by said justice or town clerk, and the surplusage thereof he shall deliver to the treasurer of such town, to be kept for the unknown owner; and if no owner do appear within the space of one year, then the town treasurer shall deliver the one half of the said surplusage to the prosecutor, and the other half to the overseers of the poor, for the use of the poor of such town.

*Provided, nevertheless,*

Proviso.

[SECT. 4.] That it shall be in the power of any town, in a town meeting for that purpose appointed, by a vote, to give liberty for swine going at large within the bounds of such town; and in such case it shall be lawful for any and every person or persons to suffer his or their swine to go at large; anything in this act before contained to the contrary notwithstanding.

*Provided, alwa[*y*][*ie*],*

[SECT. 5.] That every person suffering his swine to go at large by vertue of such town vote, shall, before he suffer his swine to go at large as aforesaid, cause each of them to be well and sufficiently yoked, and ringed in the nose, and constantly kept so ringed and yoked; otherwise he shall be liable to and shall pay the forfeiture and cost, as is by this act before mentioned and provided: *saving* that they may go unyoked from the last day of October to the first day of April.

And, to the intent all persons may know what a sufficient yoking doth mean,—

*It is hereby declared,*

Bigness of the yoke.

[SECT. 6.] That no yoke shall be accounted sufficient, w[*hi*]ch is not the full depth of the swine's neck, above the neck, and half so much below the neck; and the sole or bottom of the yoke three times as long as the breadth or thickness of the swine's neck.

And, for rendering this act more effectual,—

*Be it further enacted by the authority aforesaid,*

Hogreves to be chosen in March meeting.

[SECT. 7.] That every town within this province at their annual meeting in March to choose town officers, shall choose two or more

hogreves, but not the same persons more than once in four years, whose duty it shall be, upon view or complaint made of any offence against this act, to take care that it be duly observed, and to prosecute the breakers thereof; who shall be sworn to the faithful discharge of their office.

[SECT. 8.] And any of the said hogreves or other person that shall prosecute any breach of this act, shall be allowed to be a legal witness.

Hogreeve or  
prosecutor to  
be a legal wit-  
ness.

[SECT. 9.] And if any person so chosen to the office of a hogreve, shall refuse or shall neglect forthwith to be sworn, as aforesaid, or neglect his duty in said office, he shall forfeit and pay twenty shillings to the use of the poor of such town; and upon his refusal another shall forthwith be chosen in his room, to be under the like penalty; and so till others will accept the said service, w[hi]ch penalty shall be recovered by a prosecution before one of his majest[y]'s justices of the peace in the county where such person dwells.

Penalty for re-  
fusal and neg-  
lect of duty.

[SECT. 10.] And if any town shall neglect to choose such officers at their town meeting in March annually, or, on a refusal, to choose others until a suitable number accept, they shall forfeit and pay the sum of twenty pounds for each neglect; the one half to his majesty for and towards the support of the government, the other half to him that shall prosecute for such neglect, in any of his maj[es]ty's courts of record within this province.

*Provided,*

[SECT. 11.] That this act shall not extend to any town situate to the eastward of the town of Wells; nor continue in force any longer than five years. [*Passed June 24; published June 27.*]

*Proviso.*

## CHAPTER 3.

AN ACT IN ADDITION TO AND FOR RENDERING MORE EFFECTUAL AN ACT MADE IN THE TENTH YEAR OF THE REIGN OF KING WILLIAM THE THIRD, ENTITLED "AN ACT FOR PREVENTING OF TRESPASSES."

WHEREAS, the act or law already made for the preventing trespasses hath been found ineffectual for that purpose, so that a further provision is necessary to be made,—

Preamble.  
1698, chap. 7.  
1723-24, chap. 10.

*Be it therefore enacted by the Lieutenant-Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

[SECT. 1.] That no person or persons do or shall cut, fell, destroy or carry away any trees, timber, wood or underwood whatsoever, standing, lying or growing on the land of any others, or off or from the commons of any town other than that to which he or they belong, or within the same town, having no right or privilege there, without leave or licence from the major part of the propriety of such commons, or the owner or owners of the land whereon such trees, timber, wood or underwood was standing, lying or growing, on pain that every person so cutting, felling, destroying or carrying away the same, or that shall be aiding or assisting therein, shall for every such trespass forfeit and pay to the party or part[ie][y]s injured or trespassed upon, the sum of forty shillings for every tree of one foot over: and for all trees of greater dimensions, three times the value thereof, besides forty shillings as aforesaid, and twenty shillings for every tree or pole under the dimension of one foot diameter, and for other wood or underwood, treble the value thereof; which several penalties, forfeitures and damages shall and may be recovered by action, bill, plaint or information

Fines for cut-  
ting trees, tim-  
ber, underwood,  
&c., without  
license.



upon conviction of the trespasser or trespassers, as is hereafter specially provided and enacted, before any justice of the peace in the county where the trespass is committed, if the penalty or damage exceed not forty shillings; but if it be above that value, then before the court of common pleas in the same county.

*And be it further enacted,*

Fine for throw-  
ing open fences,  
gates, &c.

[SECT. 2.] That if any person or persons shall throw or leave open any bars, gates, fence or fences belonging to or inclosing any lands held in propriety or common, or belonging to any particular person or persons, within any town in this province, or that shall dig up or carry away any stones, oar, gravel, clay, sand, turf or mould, roots or plants belonging to the proprietors of any common lands or to any particular person or persons as aforesaid, shall for every such trespass, upon conviction thereof as in and by this act is hereafter provided, forfeit and pay treble damages, and also a sum not exceeding five pounds to the party or part[*ie*][*y*]'s injured thereby, according to the nature and aggravation of the trespass, to be recovered in manner as aforesaid.

And for carry-  
ing away  
stones, ore,  
gravel, &c.

Preamble.

*And forasmuch* as it is very hard and difficult to detect and convict any trespasser or trespassers against this act, in the ordinary course and method of the law, by reason the trespasses are generally committed where positive evidences can scarcely ever be had,—

*Be it therefore further enacted by the authority aforesaid,*

Manner of con-  
viction of the  
aforesaid  
crimes.  
4 Mass., 147.

[SECT. 3.] That in case any dispute arise upon any action, bill, plaint or information brought as aforesaid, where the plaintiff, complainant or informer shall charge the defendant in trespass for cutting, felling, destroying or carrying away any particular tree or trees, parcels of timber, wood or underwood, or for throwing down or leaving open any fence or fences, gates or bars, or for digging up or carrying away any stones, oar, gravel, clay, sand, turf or mould, roots or plants of[*f*] or from any such land as aforesaid, or of being aiding or assisting therein; then and in such case, if the plaintiff, complainant or informer, or his agent or attorney, shall make oath, *bona fide*, that there hath been cut[t], fell'd, destroyed or carried away such and so many trees, parcels of wood or underwood, or that any fence or fences, gates or bars have been thrown down or left open, or that any stones, oar, gravel, clay, sand, turf or mould, roots or plants hath been dug up or carried away, as mentioned in the writ[t], and that he suspects the defendant to have committed the said trespass, and although the plaintiff, complainant or informer, or his agent or attorney may not be able to produce any other evidence thereof than such circumstances as render it highly probable in the judg[*e*]ment of the court or justice before whom the trial is, then, and in every such case, unless the defendant shall acquit himself upon oath (to be administ[*e*]r[*e*]d to him by the court or justice that shall try the cause), the plaintiff shall recover against the defendant damages and costs; but if the defendant shall acquit himself upon oath as aforesaid, the court or justice may and shall enter up judg[*e*]ment for the defendant to recover against the plaintiff double his costs occasion[*e*]d by such prosecution.

Preamble.

*And whereas* several ill-minded persons of late, as well in the nighttime as the day (being disguised and painted), have pillaged and committed great spoil in cedar swamps and other lands, and have laid open the inclosures of particular persons, by pulling down and destroying the fences about them, not only to the great damage of the proprietors or persons interested, but also to the injury of the publick,—

*Be it therefore enacted by the authority aforesaid,*

Punishment for  
persons dis-  
guised or paint-  
ed that commit  
trespasses.

[SECT. 4.] That if any person or persons having his or their face or faces blacked, painted or any ways disguised, shall, either by day or night, commit any of the trespasses aforesaid, or shall beat and abuse



any of his majest[y][ie]'s good subjects, and be thereof convicted by due course of law, such persons so trespassing shall, over and above the damages aforementioned in this act, be whip'd at the publick whipping-post, not exceeding twenty stripes, as the nature of the trespass may require; any law, usage or custom to the contrary notwithstanding.

*Provided,*

[SECT. 5.] That nothing in this act shall be construed so as to debar Proviso. or hinder the surveyo[u]rs of highways of doing anything necessary and convenient in and about their duty, as by law impowered.

[SECT. 6.] This act to be in force from the seventh day of August next. [*Passed June 21; published June 27.*]

## CHAPTER 4.

### AN ACT AGAINST HAWKERS, PEDLARS AND PETTY CHAPMEN.

WHEREAS complaint has been made of great hurt to and [the] decay Preamble.  
See 1721-22,  
chap. 6. of trade occasion'd by hawkers, pedlars and petty chapmen passing to and fro through the country to vend goods, wares and merchandizes; for remedy of which mischief,—

*Be it enacted by the Lieutenant-Governour, Council and Representatives in General Court assembled, and by the authority of the same.*

[SECT. 1.] That from and after the publication of this act, no hawker, No hawker,  
pedlar, or petty  
chapman to be  
allowed. pedlar, petty chapman or other trading person or persons going from town to town, or other men's houses, and travelling either on foot or with horse, horses or otherwise, carrying to sell or exposing to sale either in any market, or in any house, in any town or village whereof such person or persons is not an inhabitant, any wares, goods or merchandizes, shall be permitted or suffered within this province, on pain of forfeiting all such goods, wares or merchandize by him or them exposed to sale, or so conveyed or transported as aforesaid: one third thereof to his majesty to and for the use and support of the government of this his majest[y][ie]'s province, one third thereof for the use of the poor of such town where the offence is committed, the other third to him or them that shall inform against and prosecute such offender or offenders for the same, to be recovered by bill, plaint or information in any of his majest[y][ie]'s courts of record within this province, and shall further incur the penalty of twenty pounds, to be recovered in manner as aforesaid, for the uses aforesaid.

Goods to be  
forfeited.

*And be it further enacted by the authority aforesaid,*

[SECT. 2.] That it shall be in the power of any of his majest[y][ie]'s Justice of the  
peace to sum-  
mon hawkers,  
&c., before him,  
and bind them  
over. justices of the peace, upon view, complaint or information to him made of any such breach or offence, to summon before him and bind over such offender or offenders to the next court of general sessions of the peace in the county where such offence shall be committed; and, for want of suffi[cie]nt security to commit[t] such offender or offenders to the common goal of the county, to answer to the complaint that shall then and there be exhibited against him or them, and also to secure all such goods, wares and merchandize until the tr[ans]ac[t]ion.

[SECT. 3.] And all taverners, alehouse keepers, common victuallers Taverners, &c.,  
not to give en-  
tertainment to  
them.  
Penalty. and retailers are hereby strictly forbidden to receive, or give any entertainment to any hawker, pedlar or petty chapman, or other trading person, as aforesaid, on the penalty of twenty shillings for each offence, to be disposed of in manner as aforesaid.

Officers to see  
this act put in  
execution.

[SECT. 4.] And all justices, sheriffs, undersheriffs, grand jurors, constables, tythingmen, and all other officers are hereby strictly enjoined and required to exert their utmost vigour and power to see that this law be duely put in execution. [*Passed June 17; published June 27.*]

## CHAPTER 5.

### AN ACT TO PREVENT PERSONS FROM RIDING WITH NAKED SCYTHS.

Preamble.

WHEREAS divers persons going to and returning from their labour do frequently ride with naked scyths, on highways, or through lanes and allies, which may prove hurtful to themselves and others; for prevention whereof,—

*Be it enacted by the Lieutenant-Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

No person to  
ride with naked  
scythes on the  
highways, &c.

That if any person or persons, from and after the publication of this act, shall ride with a naked scyth, on the highways, or through any lanes or allies, such person or persons shall forfeit and pay for every breach of this act, upon conviction thereof before any of his majest[*y*][*ie*]'s justices of the peace the sum of ten shillings; one half thereof to the poor of the town where such offence is committed, and the other half to the informer that shall prosecute or sue for the same. [*Passed June 21; published June 27.*]

## CHAPTER 6.

### AN ACT IN FURTHER ADDITION TO AN ACT ENTITULED "AN ACT DIRECTING THE ADMISSION OF TOWN INHABITANTS," MADE AND PASS'D IN THE THIRTEENTH YEAR OF THE REIGN OF KING WILLIAM THE THIRD.

*Be it enacted by the Lieutenant-Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

No strangers to  
be entertained  
in a town above  
20 days without  
giving notice to  
the selectmen,  
&c.  
1700-1, chap. 23.  
1723-24, chap. 2.

[SECT. 1.] That the inhabitants of the several towns within this province who shall receive, admit and entertain any person or persons, not being inhabitants of such town, either as inmates, boarders, tenants, or under any other qualifications, for more than the space of twenty days, and shall not, in writing, under their hands, give an account to one or more of the selectmen or the town clerk of such town, of all such persons so received, admitted and entertained by them, with the time they first received them, and the place from whence they last came, together with their circumstances, so far as they can, shall for every such neglect forfeit and pay the sum of forty shillings, to be recovered by bill, plaint or information before any justice of the peace, or in any of his majest[*y*][*ie*]'s courts of record within this province; the one half of said fine to be employed to and for the use of the poor of the town where such offence shall be committed, the other half to him or them that shall inform and sue for the same; and they shall be liable to answer all charges that may arise on the said town by the receiving and entertaining such person or persons as aforesaid, to be recovered by the town treasurer, or selectmen where no town treasurer is appointed; who are hereby respectively impowered to bring an action accordingly.

Penalty.

Limitation.

[SECT. 2.] This act to continue and be in force for the space of five years from the publication thereof, and no longer. [*Passed June 21; published June 27.*]

## CHAPTER 7.

AN ACT FOR THE RESTRAINING AND BETTER REGULATING APPEALS FROM THE COURT OF GENERAL SESSIONS OF THE PEACE AND INFERIOUR COURT OF COMMON PLEAS, WITHIN THE ISLAND OF NANTUCKET.

WHEREAS by the act for establishing a superiour court of judicature, court of assize and general goal delivery within this province, it is provided, "that the trial of all matters and causes by appeal from the court of general sessions of the peace, or inferiour court of common pleas, respectively, within the said island of Nantucket, or by writ of error relating to any judgment given in the said inferiour court, shall be in the superiour court of judicature, court of assize and general goal delivery to be held within the counties of Suffolk or Middlesex;" and whereas there are two superiour courts of judicature, courts of assize and general goal delivery held in each of the said counties of Suffolk and Middlesex in a year, one whereof is held at Charlestown for the said county of Middlesex on the last Tuesday of January, and the other at Boston for the county of Suffolk on the second Tuesday of February, and all appeals and other matters to be brought forward from the inferiour court of common pleas and court of general sessions of the peace held in the month of October at the said island of Nantucket, lye to one of the said superiour courts in January or February as aforesaid, which hath been found to be very inconvenient; for that oftentimes by reason of the severity of the weather at that season, it is very difficult and sometimes impossible for the parties, and others concerned, to come to either of the superiour courts, by means whereof such persons may loose the benefit of their appeals, or other matters that may be there depending; wherefore, for the ease and benefit of the inhabitants of the said island of Nantucket,—

Preamble.  
1699-1700, chap.  
3, § 3.

*Be it enacted by the Lieutenant-Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

That the trial of all matters and causes by appeal from the court of general sessions of the peace and inferiour court of common pleas, respectively, within the said island of Nantucket, or by writ of error relating to any judgment given in such inferiour court, shall from henceforth be in the superiour court of judicature, court of assize and general goal delivery to be held at Boston within and for the county of Suffolk on the second Tuesday of August; any law, usage or custom to the contrary notwithstanding. [*Passed June 21.*]

Appeals from  
Nantucket to  
Boston.

## CHAPTER 8.

AN ACT FOR DIVIDING THE TOWN OF PL[F][I]MOUTH, AND ERECTING A NEW TOWN THERE, BY THE NAME OF KINGSTON.

WHEREAS the town of Pl[y][i]mouth, within the county of Pl[y][i]mouth, is of great extent for length, and lies commodiously for two townships, and the north precinct thereof being of late sufficiently filled with inhabitants, who labour under great difficulties on several acco[un][mp]ts, and have thereupon addressed this court that they may be set off a distinct and sep[a]c[rate] township,—

Preamble

*Be it therefore enacted by the Lieutenant-Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

North precinct  
of Plymouth  
made a town-  
ship, called  
Kingston.

[SECT. 1.] That all lands lying within the said north precinct, in Pl[y][i]mouth aforesaid, particularly described and bounded by an order of this court passed at their present session, be, and hereby are, set off and constituted a sep[a][e]rate township, by the name of Kingston; and that the inhabitants of the said township be vested with the powers, privile[d]ges and immunities that the inhabitants of any town of this province by law are or ought to be vested with.

*Provided, —*

Proviso.

*And be it further enacted,*

[SECT. 2.] That nothing in this act contained shall be construed, deemed, judged or intended, to hinder or prejudice the right and interest of all or any persons whatsoever, in any of the common and undivided lands within the towns of Pl[y][i]mouth and Kingston aforesaid; but the same shall remain as heretofore.

*Provided also, —*

*And be it further enacted,*

Kingston to pay  
their proportion  
to the taxes this  
present year.

[SECT. 3.] That the inhabitants of the said town of Kingston shall be liable and subject (notwithstanding their being set off and constituted a township, as aforesaid), to pay their proportion of all province, county and town rates for this present year, in the towns to which they respectively belonged; and shall be accordingly assessed in such towns in the same manner as they would have been if this act had never been made; anything herein before contained to the contrary notwithstanding. [*Passed June 16; published June 29.*]

## CHAPTER 9.

### AN ACT FOR APPORTIONING AND ASSESSING A TAX OF TWENTY THOUSAND POUNDS.

WHEREAS the great and general court or assembly of the province of the Massachusetts Bay in New England, at their sessions in the years 1722, 1723 and 1724, did pass four grants of taxes on polls and estates, as funds and security for the payment and drawing in several sums in the bills of credit on this province ordered to be imprinted, repeated and issued out of the publick treasury for the service of the government; that is to say, at their session held in the month of November, one thousand seven hundred and twenty-two,\* fifteen thousand pounds; at their session begun and held in the month of May, one thousand seven hundred and twenty-three,† three thousand pounds; at their session held in the month of October, one thousand seven hundred and twenty-three,‡ six thousand six hundred and sixty-six pounds thirteen shillings and fourpence; and at their session held in the month of November, one thousand seven hundred and twenty-four,§ five thousand pounds; applied to the ends and uses in the said grants particularly enumerated and expressed; and, by the resolves of the courts that made the aforesaid grants, it was then ordered that the said sum of twenty-nine thousand six hundred sixty-six pounds thirteen shillings and fourpence shall be apportioned and assessed and levied on polls, and estates both real and personal, within this province, according to such rules and in such proportion upon the several towns and districts within the same as shall be

\* NOTES to 1722–23, resolve (c).

† *Ibid.*, resolve (b).

‡ NOTES to 1723–24, resolve (a).

§ NOTES to 1724–25, resolve (b).

agreed on and ordered by this court in their present session; *wherefore*, for the ordering, directing and perfecting the said sum of twenty thousand pounds, and for making further provision for any deficiency that may arise or accrue, by any unforeseen accident, in the funds and grants aforesaid, which, with the sum of nine thousand six hundred sixty-six pounds thirteen shillings and fourpence by the duties of impost, tunnage of shipping and excise, together with the income of the bills let out and the light-house, will make the sum of twenty-nine thousand six hundred sixty-six pounds thirteen shillings and fourpence, pursuant to the funds and grants aforesaid, which is unanimously approved, ratified and confirmed; we, his majest[y][ic]'s most loyal and dutiful subjects, the representatives in general court assembled, pray that it may be enacted,—

*And be it accordingly enacted by the Lieutenant-Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

[SECT. 1.] That each town or district within this province be assessed and pay, as such town's and district's proportion of the aforesaid sum of twenty-nine thousand six hundred sixty-six pounds thirteen shillings and fourpence, the sums following; that is to say,—

IN THE COUNTY OF SUFFOLK.

Boston, three thousand six hund[red] fifty-seven pounds one shill[g] and eightpence, . . . . .	£3,657	1s.	8d.
Roxbury, two hundred and seven pounds six shillings and sixpence, . . . . .	207	6	6
Dorchester, two hundred sixty-nine pounds nine shillings and twopence, . . . . .	269	9	2
Hingham, two hundred and twelve pounds one shilling and fourpence, . . . . .	212	1	4
Brantrey, two hundred and eighteen pounds seventeen shill[ing]s and ninepence, . . . . .	218	17	9
Dedham, one hundred forty-five pounds five shillings and eightpence, . . . . .	145	5	8
Medfield, one hundred and two pounds thirteen shillings and fourpence, . . . . .	102	13	4
Medway, forty-nine pounds sixteen shillings and ninepence, . . . . .	49	16	9
Weymouth, one hundred forty-six pounds eighteen shillings and elevenpence, . . . . .	146	18	11
Milton, one hundred and seven pounds four shillings and tenpence, . . . . .	107	4	10
Hull, forty-nine pounds thirteen shillings and sixpence, . . . . .	49	13	6
Wrentham, one hundred and eighteen pounds twelve shillings and sixpence, . . . . .	118	12	6
Mendon, one hundred thirty-four pounds eleven shill[ing]s and fourpence, . . . . .	134	11	4
Woodstock, one hundred and two pounds thirteen shill[ing]s and fourpence, . . . . .	102	13	4
Brookline, eighty-six pounds three shillings, . . . . .	86	3	0
Needham, sixty-four pounds two shillings and sevenpence, . . . . .	64	2	7
Sutton, forty-four pounds seventeen shillings and threepence, . . . . .	44	17	3
Oxford, twenty-nine pounds eighteen shillings, . . . . .	29	18	0
Bellingham, twenty-one pounds eighteen shillings and elevenpence, . . . . .	21	18	11



Walpole, twenty-three pounds eighteen shillings and tenpence, . . . . .	£23 18s. 10d.
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## IN THE COUNTY OF ESSEX.

Salem, five hundred twenty-eight pounds six shillings and fourpence, . . . . .	528 6 4
Ipswich, five hundred sixty-three pounds four shillings, . . . . .	563 4 0
Newbury, four hundred seventy-six pounds seven shill[ing]s and tenpence, . . . . .	476 7 10
Marblehead, four hundred seventy-three pounds nine shill[ing]s and elevenpence, . . . . .	473 9 11
Lynn, two hundred forty-four pounds four shill[ing]s and eightpence, . . . . .	244 4 8
Andover, two hundred forty-nine pounds four shillings, . . . . .	249 4 0
Beverly, one hundred ninety-nine pounds seven shillings, . . . . .	199 7 0
Rowley, one hundred eighty-three pounds sixteen shill[ing]s and tenpence, . . . . .	183 16 10
Salisbury, one hundred sixty-three pounds seventeen shill[ing]s and tenpence, . . . . .	163 17 10
Haverhill, two hundred pounds, . . . . .	200 0 0
Glocester, two hund[red] and forty pounds one shilling and sixpence, . . . . .	240 1 6
Topsfield, ninety-nine pounds thirteen shillings and sixpence, . . . . .	99 13 6
Boxford, eighty-nine pounds fourteen shill[ing]s and threepence, . . . . .	89 14 3
Almsbury, one hundred forty-eight pounds ten shill[ing]s and eightpence, . . . . .	148 10 8
Bradford, ninety-nine pounds thirteen shillings and sevenpence, . . . . .	99 13 7
Wenham, eighty-nine pounds fourteen shillings and twopence, . . . . .	89 14 2
Manchester, thirty-nine pounds seventeen shillings and fivepence, . . . . .	39 17 5
Methuen, twenty-nine pounds five shillings and twopence, . . . . .	29 5 2

## IN THE COUNTY OF MIDDLESEX.

Cambridge, one hundred sixty-five pounds nine shillings, . . . . .	165 9 0
Charlestown, three hundred forty pounds four shill[ing]s and tenpence, . . . . .	340 4 10
Watertown, one hundred seventy-nine p[oun]ds three shill[ing]s and sixpence, . . . . .	179 3 6
Concord, two hundred and fifty pounds fourteen shill[ing]s and fourpence, . . . . .	250 14 4
Weston, seventy-eight pounds, . . . . .	78 0 0
Woburn, two hundred forty-seven pounds four shill[ing]s and fivepence, . . . . .	247 4 5
Reading, one hundred seventy-three pounds thirteen shill[ing]s and eightpence, . . . . .	173 13 8
Sedbury, one hundred ninety-nine pounds six shill[ing]s and ninepence, . . . . .	199 6 9
Marlborough, two hund[red] and eight pounds nine shill[ing]s and eightpence, . . . . .	208 9 8

Lexington, one hund[re]d and nineteen pounds seven- teen shill[ing]s and fivepence, . . . . .	£119 17s. 5d.
Newton, one hund[re]d fifty-nine pounds nine shil- l[ing]s and sixpence, . . . . .	159 9 6
Malden, one hundred seventy-nine pounds four shil- lings, . . . . .	179 4 0
Chelmsford, one hundred and sixty pounds one shil- ling, . . . . .	160 1 0
Billerica, one hundred fifty-seven pounds sixteen shil- l[ing]s and twopence, . . . . .	157 16 2
Sherbourn, seventy pounds sixteen shillings and six- pence, . . . . .	70 16 6
Holliston, thirty-five pounds eight shillings and threepence, . . . . .	35 8 3
Westborough, forty-three pounds seventeen shil- l[ing]s and twopence, . . . . .	43 17 2
Groton, one hundred and nineteen pounds twelve shill[ing]s and sixpence, . . . . .	119 12 6
Lancaster, one hundred [and] twenty-nine pounds eleven shill[ing]s and sixpence, . . . . .	129 11 6
Framingham, one hundred and twenty-six pounds one shill[in]g and tenpence, . . . . .	126 1 10
Medford, fifty-nine pounds sixteen shillings and four- pence, . . . . .	59 16 4
Stow, eighty pounds sixteen shillings and sixpence, Worcester, thirty-nine pounds seventeen shillings and sixpence, . . . . .	80 16 6 39 17 6
Dunstable, twenty-nine pounds eighteen shill[ing]s and twopence, . . . . .	29 18 2
Dracut, twenty-nine pounds fourteen shillings and elevenpence, . . . . .	29 14 11
Stoneham, fifty-six pounds one shilling and sixpence, Leicester, nineteen pounds eighteen shillings and tenpence, . . . . .	56 1 6 19 18 10
Littleton, thirty-nine pounds nine shillings and five- pence, . . . . .	39 9 5
Hopkinton, nineteen pounds eighteen shill[ing]s and tenpence, . . . . .	19 18 10
Rutland, nine pounds nineteen shillings and eight- pence, . . . . .	9 19 8
Shrewsbury, . . . . .	0 0 0

## IN THE COUNTY OF HAMPSHIRE.

Springfield, two hundred forty-nine pounds nineteen shillings, . . . . .	249 19 0
Northampton, one hundred ninety-four pounds four shill[ing]s and fourpence, . . . . .	194 4 4
Hadley, one hundred and fourteen pounds seven shil- lings and eightpence, . . . . .	114 7 8
Hatfield, ninety-three pounds five shillings and eight- pence, . . . . .	93 5 8
Westfield, ninety-nine pounds three shillings and eightpence, . . . . .	99 3 8
Sutfield, one hundred and nine pounds five shillings, Enfield, eighty-six pounds eleven shillings and two- pence, . . . . .	109 5 0 86 11 2
Deerfield, fifty-three pounds one shilling and six- pence, . . . . .	53 1 6

Brookfield, nineteen pounds eighteen shillings and tenpence, . . . . .	£19 18s. 10d.
Sunderland, nineteen pounds eight shillings and tenpence, . . . . .	19 8 10
Northfield, . . . . .	0 0 0
Brimfield, . . . . .	0 0 0

## IN THE COUNTY OF PL[Y][I]MOUTH.

Pl[y][i]mouth, two hundred thirty-nine pounds nine shill[ing]s and sixpence, . . . . .	239 9 6
Pl[y][i]mpton, one hundred and seven pounds ten shillings, . . . . .	107 10 0
Scituate, three hundred and seventeen pounds six shillings, . . . . .	317 6 0
Bridgewater, two hundred twenty-six pounds ten shill[ing]s and ninepence, . . . . .	226 10 9
Marshfield, one hundred sixty-nine pounds four shill[ing]s and fivepence, . . . . .	169 4 5
Pembroke, seventy-seven pounds sixteen shill[ing]s and eightpence, . . . . .	77 16 8
Duxborough, ninety-nine pounds thirteen shill[ing]s and sixpence, . . . . .	99 13 6
Middleborough, one hund[re]d twenty-seven pounds one shill[in]g and tenpence, . . . . .	127 1 10
Rochester, one hund[re]d twenty-one pounds fifteen shill[ing]s and eightpence, . . . . .	121 15 8
Abington, thirty-five pounds four shillings and eightpence, . . . . .	35 4 8

## IN THE COUNTY OF BRISTOL.

Bristol, one hundred fifty-nine pounds nine shillings and sixpence, . . . . .	159 9 6
Taunton, two hundred forty-six pounds nineteen shill[ing]s and fourpence, . . . . .	246 19 4
Norton, seventy pounds two shillings and threepence, . . . . .	70 2 3
Easton, twenty-eight pounds seven shillings and elevenpence, . . . . .	28 7 11
Dartmouth, two hund[re]d seventy-eight pounds fifteen shill[ing]s and sixpence, . . . . .	278 15 6
Dighton, one hundred and twelve pounds nineteen shillings and sixpence, . . . . .	112 19 6
Rehoboth, two hund[red] fifty-nine pounds three shillings and sixpence, . . . . .	259 3 6
Little Compton, two hund[re]d and six pounds six shillings and eightpence, . . . . .	206 6 8
Swan[z][s]ey and Shewamet, one hundred seventy-six pounds five shil[ls]. and twopence, . . . . .	176 5 2
Tiverton, one hundred and nine pounds thirteen shillings, . . . . .	109 13 0
Freetown, eighty-one pounds five shillings, . . . . .	81 5 0
Attleborough, ninety-nine pounds thirteen shillings and sixpence, . . . . .	99 13 6
Barrington, fifty-nine pounds eleven shillings and sixpence, . . . . .	59 11 6

## IN THE COUNTY OF BARNSTABLE.

Barnstable, two hund[re]d seventy-five pounds seven shill[ing]s and fourpence, . . . . .	275 7 4
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Yarmouth, one hundred sixty-six pounds nineteen shil- l[ing]s and threepence, . . . . .	£166 19s. 3d.
Sandwich, one hundred seventy-six pounds six shil- l[ing]s and tenpence, . . . . .	176 6 10
Eastham, one hundred eighty-four pounds eight shil- l[ing]s and fourpence, . . . . .	184 8 4
Truro, eighty-nine pounds six shillings and twopence, . . . . .	89 6 2
Harwich, one hundred and nineteen pounds and ten- pence, . . . . .	119 0 10
Falmouth, sixty-nine pounds ten shillings and four- pence, . . . . .	69 10 4
Chatham, forty-nine pounds sixteen shillings and nine- pence, . . . . .	49 16 9

## IN THE COUNTY OF YORK.

York, ninety-nine pounds thirteen shillings and six- pence, . . . . .	99 13 6
Kittery, with the north part of the Isle of Sho[a]l[e]s, two hundred nineteen pounds six shillings, . . . . .	219 6 0
Berwick, fifty-nine pounds sixteen shillings and three- pence, . . . . .	59 16 3
Wells, fifty-nine pounds sixteen shillings and three- pence, . . . . .	59 16 3
Falmouth, fourteen pounds nineteen shillings and one penny, . . . . .	14 19 1
Biddeford, nine pounds nineteen shillings and five- pence, . . . . .	9 19 5
Arundel, seven pounds nineteen shillings and sixpence, . . . . .	7 19 6
Scarborough, . . . . .	0 0 0

## IN DUKES COUNTY.

Edgartown, seventy-nine pounds eight shillings and fourpence, . . . . .	79 8 4
Chilmark, one hund[re]d twenty-nine pounds one shil- l[in]g and sixpence, . . . . .	129 1 6
Tisbury, thirty-nine pounds fourteen shillings and two- pence, . . . . .	39 14 2

## NANTUCKET COUNTY.

Sherbourn, two hund[re]d fifty-eight pounds one shil- l[in]g and eightpence, . . . . .	258 1 8
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Amounting in the whole to the sum of [twenty thou- sand pounds], . . . . .	£20,000 0s. 0d.
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*And be it further enacted by the authority aforesaid,*

[SECT. 2.] That the treasurer do forthwith send out his warrants, directed to the selectmen or assessors of each town or district within this province, requiring them, respectively, to assess the sum hereby set upon such town and district in manner following: that is to say, to assess all ratable male polls above the age of sixteen years, at one hundred pence per poll (except the governour, lieut[enant]-governour and their families, the president, fellows and students of Harvard College, settled ministers and grammar-school masters, who are hereby exempted as well from being taxed for their polls, as for their estates being in their own hands and under their actual managment and improvement) and other persons (if such there be) who thro' age, infirmity or ex-  
tream poverty, in the judgment of the assessors, are not capable to

pay towards publick charges, they may except their polls and so much of their estates as in their prudence they shall think [*fit*] and judge meet; and all estates both real and personal lying within the limits and bounds of such town or district, or next unto the same, not paying elsewhere, in whose hand, tenure, occupation or possession soever the same is or shall be found; and income by trade or faculty which any person or persons (except as before excepted) do or shall exercise in gaining, by money or other estate, not particularly otherwise assessed, or commissions of profit in their improvement, according to their understanding and cunning, at one penny on the pound; and to abate or multiply the same, if need be, so as to make up the sum hereby set and ordered for such town or district to pay; and in making their assessments, to estimate houses and lands at six years' income of the yearly rents whereat the same may be reasonably set or let for in the places where they lye: *saving* all contracts betwixt landlord and tenant, and where no such contract is, the landlord to reimburse one half of the tax set upon such houses and lands; and to estimate Indian, negro and molatto servants proportionably as other personal estate, according to their sound judgment and discretion: as also to estimate every ox of four years old and upwards, at forty shillings; every cow of three years old and upwards, at thirty shillings; every horse and mare of three years old and upwards, at forty shillings; every swine of one year old and upwards, at eight shillings; every sheep and goat of one year old and upwards, at four shillings; likewise requiring the assessors to make a fair list of the said assessment, setting forth in distinct columns, against each particular person's name, how much he or she is assessed at for polls, and how much for houses and lands, and how much for personal estate and income by trade or faculty; and the list or lists so perfected and signed by them, or the major part of them, to commit to the collectors, constable or constables of such town or district, and to return a certificate of the name or names of such collector, constable or constables, together with the sum total to each of them respectively committed, unto himself, some time before the last day of September next.

[SECT. 3.] And the treasurer for the time being, upon the receipt of such certificate, is hereby impowred and ordered to issue forth his warrants to the collectors, constable or constables of such town or district, requiring him or them, respectively, to collect the whole of each respective sum, assessed on each particular person, before the last day of March next; and of the inhabitants of the town of Boston, to collect their proportion some time in the month of January foregoing; and to pay in their collection, and issue the accompts of the whole, at or before the last day of May next, which will be in the year of our Lord one thousand seven hundred and twenty-seven.

*And be it further enacted by the authority aforesaid,*

[SECT. 4.] That the assessors of each town and district, respectively, in convenient time before their making the assessment, shall give seasonable warning to the inhabitants in a town meeting, or in posting up notifications in some place or places in such town or district, or otherwise to notify the inhabitants to give or bring in to the said assessors true and perfect lists of their polls and ratable estates; and if any person or persons shall neglect or refuse so to do, or bring in a false list, it shall be lawful to and for the assessors to assess such person or persons, according to their known ability in such town, in their sound judgment and discretion, their due proportion to this tax, as near as they can, agreeable to the rules herein given, under the penalty of twenty shillings for each person that shall be convicted by legal proof, in the judgment of the assessors, of bringing in a false list; the said fines to be for the use of the poor of such town or district where the



delinquent lives, to be levied by warrant from the assessors, directed to the collector or constable in manner as is directed for gathering town assessments, and to be paid in to the town treasurer or selectmen for the use aforesaid: *saving* to the party aggrieved at the judgment of the assessors in sett[ing] such fine, liberty of appeal therefrom to the court of general sessions of the peace within the county, for relief, as in case of being overrated.

[SECT. 5.] And if the party be not convicted of any falseness in the list by him presented of polls, ratable estate[s], or income by any trade or faculty which he doth or shall exercise in gaining, by money or other estate not particularly otherwise assessed, such list shall be a rule for such person's proportion to the tax, which the assessors may not exceed.

*And whereas*, oftentimes, sundry persons not belonging to this province bring considerable trade and merchandize, and by reason of the tax or rate[s] of the town where they come to trade or traffick is finished and delivered to the constables or collectors, and, before the next year's assessment, are gone out of the province, and so pay nothing towards the support of the government, tho' in the time of their residing here they reap considerable gain by trade, and had the protection of the government,—

*Be it therefore enacted by the authority aforesaid,*

[SECT. 6.] That when any such person or persons shall come and reside in any town of this province for the space of twenty days, and bring any merchandize, and trade and deal therewith, the assessors of such town are hereby impowred to rate and assess all such persons according to their circumstances, pursuant to the rules and directions in this act provided, tho' the former rate may have been finished, and the new one not perfected, as aforesaid; and the constables or collectors are hereby enjoyned to levy and collect all such sums committed to them and pay the same into the town treasury. [*Passed June 17; published June 27.*]

## CHAPTER 10.

### AN ACT FOR GRANTING UNTO HIS MAJESTY SEVERAL RATES AND DUT[IE][Y]S OF IMPOST AND TUNNAGE OF SHIPPING.

WE, his majesty's most loyal and dutiful subjects, the representatives of his majesty's province of the Massachusetts Bay in New England, considering the necessity of calling in the sum of twenty-nine thousand six hundred sixty-six pounds thirteen shillings and fourpence, granted to his present majesty by bills emitted at the several[1] sessions in the years 1722, 1723 and 1724. to be levied and collected in this present year, have cheerfully and unanimously given and granted, and do hereby give and grant, unto his most excellent majesty, to the ends, use and intent aforesaid, and for no other use, the several[1] dut[ie][y]s of impost upon wines, liquors, goods, wares and merchandize that shall be imported into this province, and tunnage of shipping hereafter mentioned and expressed, for calling in the sum of three thousand six hundred sixty-six pounds thirteen shillings and fourpence, part of the said sum of twenty-nine thousand six hundred sixty-six pounds thirteen shillings and fourpence, abovementioned: and pray that it may be enacted,—

*And be it accordingly enacted by the Lieutenant-Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

[SECT. 1.] That, after the twenty-ninth day of June, instant, there shall be paid by the importers of all wines, liquors, goods, wares and merchandizes, that shall be imported into this province from the place of their growth (salt, cotton-wool, provisions, and every other thing of the growth and produce of New England excepted), the several rates and dut[ie][y]s of impost following; viz.,—

For every pipe of wine of the Western Islands, twenty shillings.

For every pipe of Canary, thirty shillings.

For every pipe of Madera, twenty-five shillings.

For every pipe of other sorts not mentioned, twenty-five shillings.

For every hogshead of rum containing one hundred gallons, twenty shillings.

For every hogshead of sugar, two shillings.

For every hogshead of mol[a][o]sses, one shilling.

For every hogshead of tobacco, twenty shillings.

For every tun of logwood, three shillings.

And so, proportionably, for greater or lesser quantit[ie][y]s.

And for all other commodities, goods or merchandize, not mentioned or excepted, one penny for every twenty shillings' value; all goods imported from Great Britain excepted.

[SECT. 2.] And for any of the above wines, liquors, goods, wares, merchandize, &c., that shall be imported into this province from any other port than the places of their growth and produce, there shall be paid by the importer double the value of impost appointed by this act to be received for every species abovementioned, unless they do *bona fide* belong to the inhabitants of this province, and come upon their risque from the port of their growth and produce.

*And be it further enacted by the authority aforesaid,*

[SECT. 3.] That all the aforesaid imposts, rates and dut[ie][y]s shall be paid in currant money, or in bills of credit of this province, by the importer of any wines, liquors, goods or merchandize, unto the commissioner and receiver to be appointed, as is hereinafter directed, for entering and receiving the same, at or before the landing of any wines, liquors, goods or merchandizes: only the commissioner or receiver is hereby allowed to give credit to such person or persons where his or their duty of impost in one ship or vessel[1] doth exceed the sum of ten pounds; and in case where the commissioner or receiver shall give credit, he shall settle and ballance his accompts with every person, so that the same accompts may be ready to be presented to this court in May next. And all entr[ie][y]s where the impost or duty to be paid doth not exceed four shillings, shall be made without charge to the importer, and not more than sixpence to be paid for any other single entry to what value soever.

*And be it further enacted by the authority aforesaid,*

[SECT. 4.] That all masters of ships or other vessel[1]s coming into any harbour or port within this province from beyond sea, or from any other province or colony, before bulk be broken and within twenty-four hours after his arrival to such harbour or port, shall make a report to the commissioner or receiver of the impost, to be appointed as is hereinafter mentioned, of the contents of the lading of such ship or vessel[1], without any charge or fee to be demanded or paid for the same, which report such master shall give in to the said commissioner or receiver, under his hand, and shall therein set down and express the quantities and species of the wines, liquors, goods and merchandize[s] laden on such ship or vessel[1], with the marks and numbers thereof, and to whom

the same is consigned; and also make oath that the said report or manifest of the contents of his lading, so to be by him given in, under his hand, as aforesaid, contains a just and true accompt, to the best of his knowledge, of the whole lading taken on board and imported in the said vessel[1] from the port or ports such vessel[1] came from, and that he hath not broken bulk nor delivered any of the wines, rum or other distilled liquors or merchandizes laden on said ship or vessel[1], directly or indirectly, and that if he shall know of any more wines, liquors, goods or merchandize to be imported therein, before the landing thereof he will cause it to be added to his manifest; which manifest shall be agreeable to a printed form made for that purpose, which is to be filled up by the said commissioner or receiver, according to each particular person's entry; which oath the commiss[*ione*]r or receiver is hereby impowred to administer: after which such master may unload, and not before, on pain of one hundred pounds, to be forfeited and paid by each master that shall neglect his duty on this behalf.

*And be it further enacted by the authority aforesaid,*

[SECT. 5.] That all merchants, factors and other persons, importers, being owners of, or having any of the wines, liquors, goods or merchandizes consigned to them, that by this act are l[i]g[y]able to pay impost or duty, shall, by themselves or order, make entry thereof in writing, under their hands, with the said commissioner or receiver, and produce unto him the original invoice of all such goods as pay *ad valorem*, and make oath thereto in manner following:—

You, A. B., do swear that the entry of the goods and merchandize, by you now made, contains the true value, agreeable to the original invoice herewith exhibited; and that, according to your best skill and judgment, it is not less than the real cost thereof. So help you God.

—which abovesaid oath the commissioner or receiver is hereby impowred to administer. And they shall pay the duty and impost by this act required, before such wines, liquors, goods, wares or merchandizes be landed or taken out of the vessel[1] in which the same shall be imported; on pain of forfeiting all such wines, liquors, goods, wares or merchandize[s] so landed or taken out of the vessel[1] in which the same shall be imported.

[SECT. 6.] And no wines, liquors, goods, wares or merchandizes that by this act are l[i]g[y]able to pay impost or duty, shall be landed on any wharff, or into any warehouse or other place, but in the daytime only, and that after sunrise and before sunset[t], unless in the presence and with the consent of the commissioner or receiver, on pain of forfeiting all such wines, liquors, goods, wares and merchandizes, and the lighter, boat or vessel[1] out of which the same shall be landed or put into any warehouse or other place.

[SECT. 7.] And if any person or persons shall not have and produce an invoice of the quantities of rum or liquors to him or them consigned, then the cask[e] wherein the same is shall be gaged at the charge of the importer, that the quantity thereof may be known.

*And be it further enacted by the authority aforesaid,*

[SECT. 8.] That every merchant or other person, importing any wines into this province, shall be allowed twelve per cent for leakage: *provided* such wines have not been filled up on board; and that every hogshead, butt or pipe of wine that hath two third parts thereof leaked out, shall be accounted for outs, and the merchant or importer to pay no duty or impost for the same. And no master of any ship or vessel[1] shall suffer any wines to be filled up on board without giving a certificate of the quantity so filled, under his hand, before the landing thereof, to

the commissioner or receiver of the impost in such port, on pain of forfeiting the sum of fifty pounds.

[SECT. 9.] And if it be made to appear that any wines imported in any ship or vessel[1] be decayed at the time of unlading thereof, or in twenty days afterwards, oath being made before the commissioner or receiver that the same hath not been landed above that time, the dut[ie][y]s and impost paid for such wines shall be repaid unto the importer thereof.

*And be it further enacted by the authority aforesaid,*

[SECT. 10.] That the master of any ship or vessel[1] importing any wines, liquors, goods, wares or merchandize, shall be l[i][y]able to and shall pay the impost for such and so much thereof contained in his manifest as shall not be duly entred nor the duty paid for the same by the person or persons to whom such wines, liquors, goods, wares or merchandize are or shall be consigned; and it shall and may be lawful[1] to and for the master of every ship or other vessel[1] to secure and detain in his hands, at the owner's risque, all such wines, liquors, goods, wares or merchandize imported in any such ship or vessel[1], until he shall receive a certificate from the commissioner or receiver of the impost that the duty for the same is paid, and until he be repaid his necessary charges in securing the same; or such master may deliver such wines, liquors, goods, wares or merchandize as are not entred, unto the commissioner or receiver of the impost in such port, or his order, who is hereby impowred and directed to receive and keep the same, at the owner's risque, until the impost thereof, with the charges, be paid, and then to deliver such wines, liquors, goods, wares or merchandize as such masters shall direct.

*And be it further enacted by the authority aforesaid,*

[SECT. 11.] That the commissioner or receiver of the impost, in each port, shall be, and hereby is, impowred to sue the master of any ship or vessel[1] for the impost or duty for so much of the lad[e]ing of any wines, liquors, goods, wares and merchandizes imported therein, according to the manifest by him to be given upon oath, as aforesaid, as shall remain not entered and the duty or impost thereof not paid; and where the goods, wares or merchandizes are such as that the value thereof is not known, whereby the impost to be recovered of the master for the same cannot be ascertained, the owner, or person to whom such goods, wares or merchandize[s] are or shall be consigned, shall be summoned to appear as an evidence at the court where suit for the impost and duty thereof shall be brought, and be there required to make oath to the value of such goods, wares or merchandizes.

*And be it further enacted by the authority aforesaid,*

[SECT. 12.] That the ship or vessel[1], with her tackle, appar[r]el[1] and furniture, the master of which shall make default in anything by this act required to be performed by him, shall be l[i][y]able to answer and make good the sum or sums forfeited by such master, according to this act, for any such default; as also to make good the impost or duty for any wines, liquors, goods, wares or merchandizes not entred as aforesaid, and, upon judgment recovered against such master, the said ship or vessel[1], or so much of the tackle or appurt[enance]s thereof as shall be sufficient to satisfy said judgment, may be taken in execution for the same. And the commissioner or receiver of the impost is hereby impow[er]ed to make seizure of such ship or vessel[1], and detain the same under seizure until judgment be given in any suit to be commenced and prosecuted for any of the said forfeitures or impost, to the intent that if judgment be rendered for the prosecutor or informer, such ship or vessel[1] and appurt[enance]s may be exposed for satisfaction thereof, as is before provided: *unless* the owners, or some on their



behalf, for the releasing of such ship or vessel[1] from [under] seizure or restraint, shall give sufficient security to the commissioner or receiver of the impost that seized the same, to respond and satisf[ie][y] the sum or value of the forfeiture[s] and dut[ie][y]s, with charges, that shall be recovered against the master thereof, upon suit to be brought for the same, as aforesaid; and the master occasioning such loss and damage unto his owners, thro[ugh] his default or neglect, shall be l[i][y]able unto their action for the same.

*And be it further enacted,*

[SECT. 13.] That the naval officer within any of the ports of this province shall not clear or give passes to any master of any ship or other vessel[1] outward bound, until he shall be certified by the commissioner or receiver of the impost, that the dut[ie][y]s and impost for the goods last imported in such ship or vessel are paid or secured to be paid. And the commissioner or receiver of the impost is hereby impowered to allow bills of store to the master of any ship or vessel[1] importing any wines or liquors, for such private adventures as shall belong to the master or seamen of such ship or other vessel[1], at the discretion of the commissioner or receiver, not exceeding three per cent of the lading; and the dut[ie][y]s payable by this act for such wines or liquors in such bills of store mentioned and expressed, shall be abated.

*And be it further enacted by the authority aforesaid,*

[SECT. 14.] That all penalt[ie][y]s and forfeitures accruing or arising by virtue of this act, shall be one half to his majesty, for the uses and intents for which the aforementioned dut[ie][y]s of impost are granted, and the other half to him or them that shall seize, inform and sue for the same, by action, bill, plaint or information in any of his majesty's courts of record, wherein no essoign, protection or wager of law shall be allowed; the whole charge of prosecution to be taken out of the half belonging to the informer.

*And be it further enacted by the authority aforesaid,*

[SECT. 15.] That there shall be paid by the master of every ship or other vessel coming into any port or ports in this province to trade or traffick, whereof all the owners are not belonging to this province (except such vessels as belong to Great Britain, the provinces or colon[ie][y]s of Pensilvania, West and East Jersey, New York, Connecticut[t] or Rhode Island), every voyage such ship or vessel[1] do[e]s make, the sum of two shillings and sixpence per ton, or one pound of good, new pistol-powder for every ton such ship or vessel[1] is in burthen: *saving* for that part which is owned in Great Britain, this province or any of the aforesaid governments (which is hereby exempted), to be paid unto the commissioner or receiver of the dut[ie][y]s of impost, and to be employed for the ends and uses aforesaid.

[SECT. 16.] And the said commissioner is hereby impowered to appoint a meet and suitable person to repair unto and on board any ship or vessel[1] to take the exact measure or tunnage thereof, in case he shall suspect that the register of such ship or vessel[1] doth not express and set forth the full burthen of the same, the charge thereof to be paid by the master or owner of such ship or vessel[1] before she be cleared, in case she appear to be of greater burthen; otherwise, to be paid by the commissioner out of the monies received by him for impost, and shall be allowed him accordingly, by the treasurer, in his accompts. And the naval officer shall not clear any vessel until he be also certified by the said commissioner that the duty of tunnage for the same is paid, or that it is such a vessel[1] for which none is payable by this act.

*And be it further enacted by the authority aforesaid,*

[SECT. 17.] That there be one fit person, and no more, nominated and appointed by this court as a commissioner and receiver of the aforesaid



dut[ie][y]s of impost and tunnage of shipping, and for the inspection, care and management of the said office, and whatsoever relates thereunto, to receive commission for the same from the governour or commander-in-chief for the time being, with authority to substitute and appoint a deputy receiver in each port besides that wherein he resides, and to grant warrants to such deputy receivers for their said place, and to collect and receive the impost and tunnage of shipping aforesaid, that shall become due within such port, and to render the accompts thereof and pay in the same to the said commissioner and receiver; which said commissioner and receiver shall keep fair books of all entr[ie][y]s and dut[ie][y]s arising by virtue of this act, also a particular acco[un][mp]t of every vessel[1], so that the dut[ie][y]s of impost and tunnage arising on the said vessel[1] may appear; and the same to ly[e] open, at all seasonable times, to the view and perusal of the treasurer and receiver-general of this province (or any other person or persons whom this court shall appoint), with whom he shall accompt for all collections and payments, and pay in all such mon[i]eyes as shall be in his hands, as the treasurer or receiver-general shall demand it. And the said commiss[ione]r [and] [or] receiver, and his deputy and deput[ie][y]s, before their entring upon the execution of the said office, shall be sworn to deal truly and faithfully therein; and shall attend in the office from nine to twelve of the clock in the forenoon, and from two to five of the clock in the afternoon.

[SECT. 18.] And the said commissioner and receiver, for his labour, care and expences in the said office, shall have and receive, out of the province treasury, the sum of seventy pounds per annum; and his deputy or deput[ie][y]s to be paid for their service such sum and sums as the said commissioner and receiver, with the treasurer, shall agree, upon reasonable terms, not exceeding thirty pounds each; and the treasurer is hereby ordered, in passing and receiving the said commissioner's accompts, accordingly, to allow the payment[s] of such salary or salar[ie][y]s, as aforesaid, to himself and his deputy or deput[ie][y]s.

*Provided,*

[SECT. 19.] That this act shall be and continue in force from the twenty-ninth day of this instant June, until the twenty-ninth day of June, which will be in the year of our Lord one thousand seven hundred and twenty-seven, and no longer. [*Passed June 8; published June 27.*]

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## CHAPTER 11.

AN ACT FOR GRANTING UNTO HIS MAJESTY AN EXCISE UPON WINES, LIQUORS, AND OTHER STRONG DRINK, SOLD BY RETAIL.

Preamble.

WE, his majest[y][ie]'s most loyal and dutiful subjects, the representatives of the province of the Massachusetts Bay, in general court assembled, being desirous to lessen the present debt of the province, by drawing in a number of the bills of credit, in pursuance of the several grants of this court in the years 1722, 1723 and 1724, have cheerfully and unanimously granted, and do hereby give and grant unto his most excellent majesty, for the ends and uses abovementioned, and for no other uses, an excise upon all brandy, rum and other spirits distilled, and upon all wines whatsoever, sold by retail within this province; to be raised, levied, collected and paid, by and upon every taverner, in[n]-holder, common victualler and retailer within each respective county, in manner following,—

*And be it accordingly enacted by the Lieutenant-Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

[SECT. 1.] That from and after the twenty-ninth day of June, one thousand seven hundred and twenty-six, for the space of one year, every person licensed for retailing brandy, rum [and] [or] other spirits, or wine, shall pay the duties following; viz.,— Time limited.

For every gallon of brandy, rum, and spirits distilled, eightpence. Fees stated.

For every gallon of wine of every sort, eightpence.

A pipe of wine to be accounted one hundred gallons.

*And be it therefore further enacted by the authority aforesaid,*

[SECT. 2.] That there be one or more collectors in each county, appointed by the general court, or by the court of general sessions of the peace where it shall happen that such collectors refuse to accept said office, or be removed by death or mismanagement, to take charge of this duty of excise, who shall have power to inspect the houses of all such as are licensed, and of such as are suspected to sell without license; which collectors shall be upon oath to take care of the due execution of this law, and to prosecute the breakers of it. Collectors appointed.

[SECT. 3.] And the said collectors shall carefully examine the accounts of every licensed person in their respective count[ie][y]s, and demand, sue for and receive the several sums due from them by this act, and shall give in an accompt under their hands of the particular sums they receive, together with the names of the persons of whom received, unto the treasurer, upon oath, which oath the treasurer is hereby impowered and directed to administer in the words following; viz.,—

You, A. B., do swear this is a just and true accompt of the excise upon all liquors by you received in the county of \_\_\_\_\_, and that the persons of whom you have received the same were also upon oath. So help you God. Oath.

[SECT. 4.] And at the time of receiving any money, the said collectors shall give two receipts, of the same ten[or] and date, mentioning what sum or sums they have received from every taverner, in[n]holder, common victualler and retailer; one of which receipts to be by the s[ai]d taverner, in[n]holder, common victualler or retailer returned to the court of general sessions of the peace, within their respective count[ie][y]s, at the next session of such court, and the clerks of the said courts shall within twenty days after receipt thereof, transmit the same to the treasurer or receiver-general; and such collectors shall pay into the publick treasury of this province, all such sums as they shall receive, within six months from the date of their commission, and so from time to time within the space of six months, as long as they shall continue in such office; on pain and forfeiture of the reward given such collectors by this act, who shall be allowed five per cent on all money by them collected and paid into the treasury as afores[ai]d: each collector, before he enter into the s[ai]d office, to give bond to the treasurer of this province, for the time being, and his successors in s[ai]d office, with sufficient sureties, for the faithful discharge of his duty, and that he will duly pay in the money that he shall collect, to the treasurer of this province, for the time being, which bond shall be executed before the court of general sessions of the peace, in the respective counties where the s[ai]d collectors live, or before the treasurer of the province for the time being; and that the s[ai]d treasurer shall put in suit the bonds of all such collectors who shall neglect to make due payment within sixty days after the expiration of the year. Five per cent for collecting

*And be it further enacted by the authority afores[ai]d,*

Account to be taken.

[SECT. 5.] That every taverner, in[n]holder, common victualler and retailer, shall, after the twenty-ninth day of June, one thousand seven hundred and twenty-six, take an exact acco[un][mp]t of all rum, brandy and other distilled spirits and wine then by him, and give an acco[un][mp]t of the same unto the s[ai]d collector upon oath, and such other persons as shall be licensed during the continuance of the s[ai]d act, shall also give an accompt as afores[ai]d upon oath, of what rum, brandy and other distilled spirits and wine, he or they shall have by him or them at the time of his or their license; which oath the collector shall have power to administer in the words following; viz.,—

Oath.

You, A. B., do swear that the accompt exhibited by you is a true and just accompt of all the rum, brandy and other distilled spirits and wine now by you. So help you God.

Within six months, account to be delivered.

[SECT. 6.] That every taverner, in[n]holder, common victualler and retailer shall make a fair entry in a book, of all such rum, brandy [and] other distilled spirits and wine, as he or they or any for him or them shall buy, distill or take in for sale after such accompt taken, and at the end of every six months deliver the same in writing under his or their hands unto the collector, who is to administer an oath to him or them that the s[ai]d accompt is *bona fide* just and true, and that he or they do not know of any rum, brandy, other distilled spirits or wine, sold directly or indirectly by him or them, or any under him or them, or by his or their privy or consent, but what is contained in the accompt now exhibited, and shall pay him the duty thereof, excepting such part as the collector shall find is still remaining by him or them; twenty per cent to be allowed for leakage and other wast[e], for which no duty is to be paid.

Twenty per cent leakage.

General sessions to take recognizance.

[SECT. 7.] That the justices in their general sessions of the peace, shall take recognizances, with sufficient sureties, of all persons by them licensed, both as to their keeping good rule and order, and duly observing the laws relating to persons so licensed; as also for their duly and truly rendring an accompt in writing under their hands as afores[ai]d, and paying their excise in manner as afores[ai]d, which recognizance shall be taken within the space of thirty days after the granting such license, otherwise the person licensed shall lo[o]se the benefit of his or her s[ai]d license.

Preamble.

*And whereas* notwithstanding the laws made against selling strong drink without license, many persons, not regarding the penalties and forfeitures in the said act, do[e] receive and entertain persons in their houses and sell great quantities of spirits and other strong drink without license so to do first had and obtained, by reason whereof great debaucheries are committed and kept secret, the end of this law in a great measure frustrated, and such as take licenses and pay the excise greatly wronged and injured,—

*Be it therefore further enacted,*

[SECT. 8.] That whosoever, after the twenty-ninth of June, one thousand seven hundred and twenty-six, shall presume to sell any brandy, rum or other distilled spirits, wine, beer, cyder, perry or any other strong drink in any smaller quantity than a quarter cask (twenty gallons to be accounted a quarter cask), without license first had and obtained from the general sessions of the peace and recognizing in manner as afores[ai]d, shall forfeit the sum of ten pounds; one third to the poor of the town where the offence shall be committed; one third to the collector and the other third to any person that shall inform the grand jury or the said collector, as by this act is provided, and costs of prosecution; and all such as shall refuse or neglect to pay the fine afores[ai]d shall stand closely and strictly committed in the

common goal of the county for forty days at least; and not to have the liberty of the goaler's house or yard; and any goaler giving any person liberty contrary to this act shall forfeit and pay ten pounds, to be employed in manner as aforesaid, and pay cost of prosecution as aforesaid.

[SECT. 9.] And if any person or persons not licensed as aforesaid shall order, allow, permit or connive at the selling of any strong drink, contrary to the true intent and meaning of this law, by his or her child or children, servant or servants, or any other person or persons belonging to his or her family, and be thereof convicted, he, she or they shall be reputed the offender or offenders, and shall suffer the same penalties as if he, she or they had sold such drink themselves; unless such person or persons will *bona fide* swear that he, she or they did not order, allow or permit thereof or connive thereat.

Forfeiture of £10 to sell without licence.

[SECT. 10.] That two credible persons declaring upon oath that they bought strong drink of any unlicensed person or persons, it shall be judged sufficient evidence to convict him, her or them of selling without licence, altho' their evidence relate to two different quantities of strong drink sold, and to two different times of sale: *provided*, there be not above the space of twenty days between the first and second times of sale.

Two persons' evidence sufficient.

[SECT. 11.] That when and so often as it shall be observed that there is a resort of persons to houses suspected to sell strong drink without licence, any justice of the peace shall have full power to convene such persons before him, and examine them upon oath of the person suspected of selling or retailing strong drink in such houses, and, on just ground, to bind over the person transgressing, and the witnesses, to the next court of general sessions of the peace for the county where such offence shall be committed.

Houses not licensed.

*And be it further enacted,*

[SECT. 12.] That any person refusing to give evidence as aforesaid, or at the tryal of any person presented or indicted for the selling strong drink without licence, shall be liable to the same penalty as the said person indicted is liable to in case he shall be convicted.

Persons refusing to give evidence.

[SECT. 13.] That every taverner, innholder, common victualler or retailer who shall be found to give a false account of any brandy, distilled spirits or wine by him at the time, or bought, distilled or taken in for sale after his license, or refuse to give in an account on oath, as aforesaid, shall be rendered incapable of having a license afterwards, and shall be prosecuted by the collector for his neglect and ordered by the general sessions of the peace to pay such sum of money as they may conclude that the excise of the liquors, &c., by him sold within such time would have amounted to, to be paid to the collector for the use of the province.

Innholder, &c., giving a false account.

[SECT. 14.] All fines, forfeitures and penalties arising by this act shall be recovered by bill, plaint or information, in any of his majesty's courts of record within the respective counties where such offence shall be committed, or by presentment of the grand jury, who are hereby strictly enjoined to inform of and present all breaches of this act.

Fines and forfeitures, how disposed of.

*Provided, always,*

[SECT. 15.] And it is the true intent and meaning of this act, that if any taverner, retailer or common victualler shall buy of another taverner or retailer such small quantities of liquors as the law obliges him to account to the collector for, and pay the excise, the taverner, retailer or common victualler shall, notwithstanding, be accountable and pay the excise, as if none had been paid by the person he bought the same of. [Passed June 28; published June 29.]

Taverner, &c., to account for small quantities.



# ACTS

PASSED AT THE SESSION BEGUN AND HELD AT BOSTON,  
ON THE TWENTY-THIRD DAY OF NOVEMBER,  
A.D. 1726.

## CHAPTER 12.

AN ACT IN FURTHER ADDITION TO AN ACT ENTITLED "AN ACT FOR THE RELIEF OF ID[*i*][*e*]OTS AND DISTRACTED PERSONS," MADE AND PASS'D IN THE SIXTH YEAR OF THE REIGN OF KING WILLIAM AND QUEEN MARY.

Preamble.  
1693-4, chap. 18.  
1708-9, chap. 5.

WHEREAS, the provision made in and by the said act only respects such id[*i*][*e*]ots, persons *non compos*, or distracted, whose near relations refuse to undertake the care of providing for them, and whose circumstances may finally require the sale of their lands, or their persons to be put out to labour, in order to prevent any charge to the town where such distracted person or id[*i*][*e*]ot is an inhabitant; and no method prescribed in the said act how it may be enquired of and known whether the person, said to be a lunatick, id[*i*][*e*]ot, or *non compos*, be so or not; and, for securing the estate of such id[*i*][*e*]ot or distracted person from imbezzlement,—

*Be it therefore enacted by the Lieutenant-Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

Judges of probate to inquire of idiots or distracted persons.

[SECT. 1.] That it shall be in the power of the judges of the probate of wills and for granting letters of administration, for and within the respective count[*ie*][*y*]s in this province, from time to time, upon request made by the relations or friends of any id[*i*][*e*]ot, *non compos*, lunatick or distracted person, or the overseers of the poor in such town where the said id[*i*][*e*]ot or distracted person lives or is an inhabitant, to enquire, either upon view or examination of the persons themselves, or by the inquisition of a suitable number of substantial and discreet persons, to be qualified by commission for that purpose; and if the person said to be an id[*i*][*e*]ot, or distracted, be so adjudged by the judge of probate for the county wherein such id[*i*][*e*]ot, or distracted person lives, then, and in that case, such judge of probate shall assign and appoint some suitable person or persons to be guardian or guardians of such id[*i*][*e*]ot, or *non compos*, directing and empowering such guardians to take care as well of the person, as estate both real and personal, of the said id[*i*][*e*]ot or distracted person, and to make a just and true inventory of the said estate, to be returned to and filed in the register's office of the courts of probate in the respective counties within this province.

Judges of probate to appoint guardians of idiots or distracted persons.

*And be it further enacted by the authority aforesaid,*

To cut persons upon oath suspected of embezzlement of the estates of idiots or distracted persons.

[SECT. 2.] That the judges for probate of wills and granting administrations, within the respective counties, be, and hereby are, fully authorized and empowered to call before them, and to require and administer an oath unto any person or persons probably suspected of making any concealm[en]t, imbezzlem[en]t or conveying away any e[st]ate



the mon[ie][ey]s, goods or chattels of any such id[i][e]ot, *non compos*, lunatick or distracted person, as well upon the complaint of any heir, creditor or other person, having lawful right or claim to or in such estate, as of the said guardian or guardians.

[SECT. 3.] And, in case any such suspected person was betrusted by said id[i][e]ot, *non compos*, lunatick or distracted person, or was otherwise conversant with or near unto him in the time of his lunacy or distraction, or is in possession of the estate, or any part thereof, whereby to strengthen and make the suspicion more violent, and shall refuse to clear and acquit him- or herself, upon oath, it shall and may be lawful for the judges of probate, and they are accordingly impowered and directed to commit such person, so refusing to swear, unto the goal of the county, there to remain until he or she shall comply, to discharge him- or herself, upon oath, as aforesaid, or be released by consent of the guardian or guardians, heir, creditor or other person, having lawful right or claim to or in such estate, as aforesaid.

Persons refusing to swear, to be committed to prison.

*And be it further enacted by the authority afores[ai]d,*

[SECT. 4.] That the guardian or guardians, appointed as afores[ai]d, shall improve, frugally, and without wast[e] and destruction, the estate of the id[i][e]ot, *non compos*, lunatick or distracted person, and apply the annual profits and incomes thereof for the comfortable maintenance and support of the said id[i][e]ot, lunatick, *non compos* or distracted person, and also of his household or family (if any such he have).

Power of guardians to manage the estates of idiots or distracted persons.

[SECT. 5.] And that the said guardian or guardians be, and hereby are, impowered to settle accompts, receive, and, if need be, sue for and recover all such just debts as shall be due to the s[ai]d id[i][e]ots, persons distracted, or *non compos*, from any person or persons whomsoever, and to manage, improve, divide or take care of the real estate of such id[i][e]ot, or person distracted, or *non compos*, in as full and ample a manner as the said persons could or might do were they restored to their right mind; and, also, shall be subject to the payment of all such just debts, owing by such persons, w[hi]ch were contracted before their distraction, out of the personal estate of such id[i][e]ots, persons *non compos*, or distracted, or, in case that be not sufficient, then out of the real estate, being first impowered to make sale thereof, or of such part thereof as is sufficient for that end, by the justices of the superiour court of judicature, upon application to them made therefor.

[SECT. 6.] And, in case the said distracted persons shall come or be restored to their right mind, the residue of his or her estate, both real and personal, shall be delivered or returned to them, or to their respective heirs, executors or administ[rato]rs, as the law directs; the guardians having first such a reasonable allowance out of the same for their charge and trouble, as the judge of probate shall order.

Guardians to be allowed for their trouble and charge.

*And be it further enacted by the authority afores[ai]d,*

[SECT. 7.] That the guardian or guardians, appointed as afores[ai]d, shall give bond to the judge of probate, for the time being, in a reasonable sum, with sufficient sureties, for the faithful discharge of the trust in them reposed; more especially for the rendering a just and true account of their guardianship when and so often as they shall be thereunto required.

Guardians to give bond.

[SECT. 8.] *Saving, always,* the right of appeal to the governour and council, as is practiced in other cases, from the sentences or decrees of the judge of probate.

Saving the right of appeal

[SECT. 9.] This act to continue in force for the space of five years from the publication thereof, and no longer. [*Passed December 21, 1726; published January 10, 1726-27.*]

Continuance of the act.

## CHAPTER 13.

AN ACT FOR ENLARGING THE PAY OF THE MEMBERS OF THE GREAT AND GENERAL COURT OR ASSEMBLY OF THIS PROVINCE, AND FOR REGULATING THE SEVERAL TOWNS THEREIN AS TO THEIR CHOICE OF REPRESENTATIVES, AND FOR REPEALING ONE CLAUSE IN A FORMER ACT RELATING TO THEM.

Preamble.  
1692-3, chap. 44.  
1714, chap. 4.

WHEREAS the allowance granted to his majestie's council and to the representatives of the several towns for and within this province, for their service in attending on and travel to the general court, as by law established, is not sufficient to answer the charge of their travel and necessary expence,—

*Be it therefore enacted by the Lieutenant-Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

Allowance to the members of his majesty's council and the representatives, for their attendance on the general assembly, and travel.

[SECT. 1.] That, from the beginning of the session of this court in May last, there shall be paid out of the publick treasury, to each of the members of his majestie's council that have attended or shall attend at the said court, ten shillings *per diem*, and to each of the members of the house of representatives six shillings *per diem*, for so many days as they have attended or hereafter shall attend the service of the said court, and for their travel to and from court (twenty miles to be accounted a day's travel); and that the members of his majestie's council who hereafter shall be chosen according to the royal charter shall be allowed and paid out of the publick treasury ten shillings *per diem*, and every representative six shillings *per diem*, during the session of the general court; to be paid out of the province treasury, upon certificate from the secretary of the said province, and clerk of the house of representatives, respectively, of the number of the days of their attendance at the said court; and travel to and from court, to be accounted as aforesaid; and the sums so paid by the treasurer of the province to the representatives, to be set[t] and assessed on the inhabitants of the several towns, according to what each representative shall receive, in addition to the next province tax, which shall be from time to time made after payment thereof by the treasurer.

Preamble.  
1692-3, chap. 38,  
§ 1.

*And whereas*, by a certain clause in an act entituled “An Act for ascertaining the number and regulating the house of representatives,” made in the fourth year of the reign of their late majesties, King William and Queen Mary, each town in the province having forty families are obliged to find one person to represent them in the general court, w[hi]ch clause is found inconvenient to several towns, on many accounts,—

*Be it therefore enacted by the authority aforesaid,*

Towns under sixty families not obliged to send representatives.

[SECT. 2.] That the aforementioned clause in the said act contained, be and hereby is repealed and made void, and that for the future no town in the province, under the number of sixty families, shall be obliged (unless they think fit) to send a person to represent them in the great and general court or assembly of this province; any law, usage or custom to the contrary notwithstanding.

Continuance of the act.

[SECT. 3.] This act to be and continue in force for the space of three years from the end of the sessions of this court in May next, and no longer. [*Passed December 28.*]

## CHAPTER 14.

## AN ACT IN ADDITION TO AN ACT FOR REGULATING FERR[IE][Y]S.

WHEREAS sundry persons, of late, notwithstanding the provision already made by law, do presume to transport passengers over and across the several stated ferr[ie][y]s within this province, having no right or authority so to do, in prejudice of those who are assign'd and authorized to that service, and therefore justly intitled to the sole benefit of the said ferr[ie][y]s; for prevention whereof,—

Preamble.  
1694-5, chap. 10,  
§ 1.

*Be it enacted by the Lieutenant-Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

That if any person or persons shall from henceforth presume to keep a ferry or transport passengers over or across any stated ferry within this province, so as to demand or receive pay, having no right or authority so to do, shall for every such offence pay a fine of twenty shillings, the one half to his majesty for and towards the support of this government, the other half to him or them that shall inform and sue for the same before one of his majesty's justices of the peace or at the court of general sessions of the peace in such county where the offence may be committed, and be further liable to pay such damages as may or shall accrue to the person or persons assigned and authorized to keep any such stated ferry or ferr[ie][y]s. [Passed December 20.]

Penalty for persons not authorized that transport passengers across any ferry for money.

Liable to pay damages to those that keep the ferry.

## CHAPTER 15.

## AN ACT IN ADDITION TO AN ACT ENTITLED "AN ACT TO ENABLE TOWNS, VILLAGES, AND PROPRIETORS IN COMMON AND UNDIVIDED LANDS, &amp;c., TO SUE AND BE SUED," MADE IN THE SIXTH YEAR OF THE REIGN OF KING WILLIAM AND QUEEN MARY.

WHEREAS in and by the said act, all "persons, towns, villages, precincts, trustees for schools, and proprietors in common and undivided lands, grants and other estates or interests whatsoever." are impowered "to sue, commence and prosecute any suits or actions in any court proper to try the same," "and in like manner to defend all such suits and actions as shall be commenced against them, or any of them," &c.; and whereas, by the said act, there is no provision made for the enabling any such proprietors to raise money for the carrying on or defending such actions, or for any other publick use in such propriety; for want whereof, many such proprietors suffer great loss and damage in their proprieties, and lose the benefit of the said law; and whereas the time of fourteen days for the serving of writs, before the day of the sitting of the court, hath by experience been found too short a time in such actions and suits as are brought against any such towns, precincts, villages and proprietors as aforesaid; for the remedying whereof, and the enabling proprietors in common and undivided lands to raise mon[ie]-[ey]s for the carrying on and prosecuting or defending any such actions or suits, or for [the] managing any other publick affairs in such propri[et]y[s],—

Preamble.  
1694-5, chap. 15,  
§ 1.  
13 Allen, 543.

*Be it enacted by the Lieutenant-Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

[SECT. 1.] That it shall and may be lawful to and for the proprietors of any common and undivided lands, or the major part of them according to the interests present, by themselves, or their lawful attorn[ie][ey]s,

Proprietors of common lands empowered to raise money.

at any proprietors' meeting that shall hereafter meet upon legal warning, to order the raising of any suitable sum of sums of money that shall by them be thought sufficient to carry on and prosecute or [to] defend any actions or suits that may be brought by or against them, or for the carrying on or managing any other publick affairs relating to such proprieties, and to appoint a suitable number of persons, belonging to such propriety, to proportion such sum or sums as shall be thought necessary to be raised for the ends and uses aforesaid, upon the proprietors of such common and undivided lands, according to their several interests therein, and to appoint a collector or collectors to gather in and collect the same; w[h]ch collector or collectors shall be and hereby are fully authorized and empowered to levy and collect the sum or sums set and apportioned for such proprietors to pay, in the same manner as constables of towns within this province are empowered to levy and collect the publick rates or taxes, and to pay in the same to the proprietors, or their clerk (who is hereby empowered to grant warrants for levying and collecting such assessment), at such times as shall be by them appointed for payment thereof.

To be collected in the same manner as the province tax.

Assessors to be under oath.

[SECT. 2.] And such clerk shall be accountable to the proprietors therefor; the person or persons so assessing the said proprietors, and the collector or collectors that shall be appointed for the gathering and collecting the sum or sums granted and agreed upon by the s[ai]d proprietors to be assess'd and collected as aforesaid, shall be under oath for the true and faithful performance of their services respectively; w[h]ch oath shall be administ[er]ed to them as the law provides for swearing town officers.

*And be it further enacted by the authority aforesaid,*

Writs to be served on towns, proprietors, &c., thirty days before the court.

[SECT. 3.] That when it shall happen suit shall be brought against any towns, precincts or villages, or against the proprietors of any common or undivided lands, the plaintiff bringing forward such suit shall cause the clerk of such town[s], village[s], precinct[s] or proprietors, or one or more of their principal inhabitants or proprietors, to be served with a copy of the writ[t] or summons, at least thirty days before the day of the sitting of the court to which the same shall be returnable; any law, usage or custom to the contrary notwithstanding. [*Passed December 31, 1726; published January 10, 1726–27.*]

## CHAPTER 16.

### AN ACT FOR DIVIDING THE TOWN OF DORCHESTER, AND ERECTING A NEW TOWN THERE BY THE NAME OF STOUGHTON.

Preamble.

WHEREAS the town of Dorchester, within the county of Suffolk, is of great extent in length, and lies commodious for two townships, and the south precinct, with the land beyond it within the bounds of Dorchester, are competently filled with inhabitants, who have made their application to the said town, and also addressed this court that the said lands may be made a distinct and separate township,—

*Be it therefore enacted by the Lieutenant-Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

A new town constituted by the name of Stoughton.

[SECT 1.] That all that part of Dorchester lying to the southward of the dividing line betwixt the north and south precinct, together with the lands beyond the said south precinct in Dorchester, be and hereby are set[t] off and constituted a separate township, by the name of Stoughton; and that the inhabitants of the said lands, as before



described (excepting those famil[ie][y]s already set[t] off and added to the town of Wrentham), be and hereby are vested with the powers, privileges and immunit[ie][y]s that the inhabitants of other towns within this province by law are or ought to be vested with; and that the inhabitants of the said town of Stoughton shall have their proportionable part of the income of the school lands lying within the same; viz., in proportion to their part of the province tax for this present year.

To have their proportion of school land.

*Provided.*—

[SECT. 2.] That the inhabitants of the said town of Stoughton do, within the lapse of twelve months from the publication of this act, procure and settle a learned, orthodox minister of good conversation, and make provision for his comfortable and honourable support, and likewise provide a schoolmaster to instruct their youth in writing and reading; and that the said inhabitants pay their respective proportions of all province taxes and town taxes that are already levied or assessed upon the inhabitants of Dorchester, for charges h[ither][ere]to arisen within the said town.

Proviso.

*And further, it is to be understood,*

[SECT. 3.] That the proprietors of any common and undivided lands in the said township[s] of Dorchester and Stoughton are to hold and enjoy their respective rights and propert[ie][y]s in such lands, as if the said township had not been made; any law, usage or custom to the contrary notwithstanding. [*Passed December 22.*]

Proprietors of Dorchester to hold their rights in common land, as formerly.

NOTES.—There were three sessions of the General Court this year, but no acts were passed at the second session, which began August 24, and continued three days.

The engrossments of all the foregoing acts are preserved, except of chapter 7; and all were printed with the sessions acts.

Chapters 1, 2, 3, 4, 5, 9 and 10 were transmitted by the Secretary of the Board of Trade, to Mr. Fane, for his opinion thereupon, June 8, 1727; and chapters 12, 13, 14, 15 and 16 were sent, in like manner, on the fifth of July following. Chapter 11, it seems by the letter given in the note to that chapter, *post*, was not forwarded by the Secretary of the province. Mr. Fane reported upon the abovementioned acts of both sessions, September 22, 1727, that he had no objection thereto in point of law.

Chapter 11 was subsequently received, and referred to Mr. Fane, who reported, February 20, 1727-28, that he had "no objection," &c.

The following extract from the Journals of the Board of Trade, which has been referred to in previous notes, shows that the Board had held in suspense for twenty years, acts which had been regularly forwarded for the Royal approval:—

"WHITEHALL. Friday Nov<sup>r</sup> 28<sup>th</sup> 1735.

At a Meeting of His Maj<sup>ty</sup>'s Commissrs for Trade and Plantations Present Earl of Fitz-Walter Mr Pelham. Mr Brudenell. Sir O. Bridgeman. Mr Plumier.

Mr West's Reports upon several Acts passed in the Province of the Massachusetts Bay in 1715, 1716, 1717, 1718, 1720, 1721 and 1723 and one Report of Mr Fane's upon several Acts passed there in 1726, were all read, and tho' Mr West had objected against some of those Acts yet as the objections did\* seem very material upon any of those Acts that are still in force and no complaint having been made against any of them, they were all ordered to ly by."—*Trade-papers (Journals)*," in *Pub. Rec. Office*, vol. 39, p. 255.

Chap. 8. "June 24, 1726. In Council Ordered that the Bounds of the North Precinct in the Town of Plimouth intended to be Erected into a Township by the Name of Kingstone shall be as followeth; That is to say,

Beginning at a Heap of stones above the High Way being y<sup>e</sup> Bounds between the Lands of John Sturtivant & the Lands which did belong to Joseph Sturtivant Dec<sup>d</sup>, and from thence the Line between the two Precincts in Plimouth to run North forty five Degrees & an Half Easterly down to the Salt Bay, and from thence on the same Course to Duxbury Town Line, and then from the first mentioned Heap of Stones South about forty-five Degrees & an Half Westerly up into the Woods to a great remarkable Rock commonly called Nick's Rock by the South East Side of a Cart Way, and from thence on the same Course 144 Rods to a Stone Set in the Ground and other Stones laid about it by the North West Side of the said Cart Way, and from thence South fifty seven Degrees Westerly unto two Red Oak Trees mark'd with Stones about them in the Line of Plimpton Township by the North West Side of the old Country Road that leads from Plimouth Town to Middleborough, and the Line between Plimpton & Plimouth North Precinct North about seven Degrees Westerly unto a great Black Oak formerly mark'd by the South East Side of a Road Way near the Hill called Brewers Hill, The said Tree being a former Board of Plimpton Township, and from thence North Forty seven Degrees and an Half Westerly about Four Hundred & Eight Rods to a Heap of Stones on a Cleft Rock, and from thence North about five Degrees Westerly About two Hundred and twenty eight Rods to a long

\* *Sic*—"not" omitted?



Stone set in the Ground and other Stones laid about it About three Rods to y<sup>e</sup> Westward of the old Cellar which was Thomas Shurtleifs, and from thence North three Degrees Westerly About a Mile & forty-two Rods to y<sup>e</sup> West Corner Bound of the Land which did belong unto Peter West Deceased, Being a Pine Tree mark'd, by Jones's River Pond, and from thence over said Pond North Eight Degrees Westerly unto the South Corner Bound by Jonathan Crocker, and from thence between y<sup>e</sup> said North Precinct and the Town of Pembroke, North about Forty-three Degrees Easterly About one Hundred & Seven Rods by the Range of the said Crockers Land unto the North Corner of the Hundredth and Forty fifth Lot which now belongeth unto William Cook, and from thence East unto the North West Corner of Elnathan Fisk, & from thence by the Range of the said Lott being in Number the Hundred and Twenty seventh Lott East South East unto the North East Corner of said Lott at the Brook called Sign Brook, and from thence the said Line between the said North Precinct and the Town of Duxbury to run on a straight Line to the Ancient Corner Bound between the Townships of Plimouth and Duxbury being a Heap of stones by a White Oak Tree mark'd to the Northward of the Brook called Mile Brook, and from thence by the Bounds between Duxbury and Plimouth until it come down to the Bay, and from thence by Duxbury Line over the Bay until it meet with the Line first Mentioned—

In the House of Represent<sup>es</sup> Read and Concur'd.

Consented to, W<sup>m</sup> DUMMER."

—*Council Records, vol. XIII, pp. 134, 135.*

*Chap. 13. "Nov<sup>r</sup> 28. 1726. In the House of Representatives Voted, That Mr Lewis, Mr Remington, Coll<sup>r</sup> Ballantine and Major Chandler with such as the Hon<sup>ble</sup> Board shall appoint be a Committee to project and prepare a Bill for the repealing one Clause in the Act Entituled an Act for Ascertaining the Number and Regulating the House of Representatives, Made in the fourth Year of the Reign of their late Majestys King William and Queen Mary, Obliging Forty Families to send one Representative; and for repealing one other Clause in the said Act for establishing the Pay of the Members of the House of Representatives; and for ascertaining the Number of the Members of the House, so as that no Town in the Province under the Number of One Hundred Families shall be obliged to send a Representative to Court, and for establishing the Pay of the Members of his Majestys Council at Eight Shillings per Diem, and the Pay of the Members of the House of Representatives at six shillings per Diem during the Sitting of the Great and General Court, which shall be advanced and paid out of the publick Treasury, And the same set on the several Towns in the Province, by adding to their next Province Tax what their Representatives only respectively shall have received out of the publick Treasury for their Services as aforesaid.*

*In Council Read and Concur'd with an amendment Viz<sup>t</sup> That the Members of His Majestys Council be allowed Ten Shillings per Diem."*—*Ibid., p. 213.*

*(a.) "June 16. 1726. In the House of Representatives, Pursuant to the Directions in the Royal Charter in that Clause or Paragraph Impowering this Court to Impose and Levy proportionable and reasonable Assessments Rates and Taxes.*

*RESOLVED that the Treasurer be and hereby is Impowered & Directed to Issue forth & Emit the Sum of Twenty Thousand Pounds in Bills of Credit on this Province for the Necessary Defence & Support of this Govern<sup>mt</sup> & y<sup>e</sup> Protection & Preservation of the Inhabitants thereof (The said Twenty Thousand Pounds being already put into the Hands of the Treasurer by the Committee appointed to make the Same at the Session of this Court in November last) To be Issued and Disposed of by Warrant under the Hand of the Lieut. Governour or Commander in Chief for the Time being with the Advice and Consent of the Council.*

*Nineteen Thousand Two Hundred Pounds wherof shall be applied for the Uses, Intents and Purposes in this Resolve hereafter expressed, Viz<sup>t</sup> For the Payment of all Grants, Premiums and Stipends established by Law, For the Defraying and Paying the Charges of Castle William and the other Forts and Garrisons, Transports, Muster Rolls of Soldiers and Sailors, Allowances &c. and all other Accompts of Charges allowed and pass'd on for Payment by this Court.*

*And that the Sum of Eight Hundred Pounds being the Residue and Remaining Part of the said Sum of Twenty Thousand Pounds shall be applied for the Payment of Expresses dispatch'd in the Service of this Government in the Recess of this Court together with all other necessary unforeseen Charges that demand prompt Payment, Which shall arise in the Recess of the Court as aforesaid Provided always that the several Draughts made upon the Treasurer aforesaid Express and declare out of which of the two several Sums aforementioned the Money is to be paid.—And the said Bills shall pass out of the Treasury at the Value therein Express'd Equivalent to Money And shall be taken and accepted in all publick Payments.*

*And that the Duties of Impost & Excise together with all other publick Incomes shall be a Fund & Security for y<sup>e</sup> annual Payment and Drawing in of s<sup>d</sup> Bills into y<sup>e</sup> Treasury again so far as that will reach*

*And as a further Fund and Security for the same: It is further RESOLVED that there be & hereby is granted to his most excellent Majesty for the Ends and Uses aforesaid and for no other Ends and Uses whatsoever, a Tax of Five Thousand Pounds to be levied upon Polls and Estates both Real and Personal within this Province, according to such Rules and in such Proportion upon the several Towns and Districts within the Same as shall be agreed on and Ordered by the Great & General Court or Assembly of this Province at their Session in May One Thousand Seven Hundred and Thirty one & paid into the Treasury on or before the last Day of December next after.*

*And that the further Sum of Five Thousand Pounds be levied upon the Polls and Estates both Real & Personal within this Province according to such Rules & in such Proportion upon y<sup>e</sup> several Towns & Districts within the Same as shall be Agreed on and Ordered by*

ye Great and General Court or Assembly of this Province at their Session in May One Thousand Seven Hundred and Thirty two & paid into the Treasury on or before the last Day of December next after.

That the further Sum of Five Thousand Pounds be levied upon Polls and Estates both Real and Personal within this Province According to such Rules and in such Proportion upon the several Towns and Districts within the same as shall be agreed on and ordered by the Great and General Court or Assembly of this Province at their Session in May One Thousand Seven Hundred and Thirty three and paid into the Treasury on or before the last Day of December next after.

And that the further Sum of Five Thousand Pounds being the Remainder of the aforesaid Twenty Thousand Pounds be levied upon Polls and Estates both Real & Personal within this Province According to such Rules and in such Proportion upon the several Towns and Districts within the same as shall be agreed on & Ordered by the Great & General Court or Assembly of this Province at their Session in May One Thousand Seven Hundred & Thirty four and paid into the Treasury on or before the last Day of December next after.

In Council, Read and Concur'd—  
—*Council Records, vol. XIII., p. 162.*

Consented to, Wm DUMMER."

(b.) "Dec. 17, 1726. In the House of Representatives RESOLVED that the Treasurer be & hereby is empowered & directed to issue forth & emit the Sum of Five Thousand Pounds in the Bills of Credit on this Province for the necessary Defence & Support of this Government & the Protection & Preservation of the Inhabitants thereof (The said Five Thousand Pounds being already in ye Hands of the Treasurer & received for Taxes, Impost &c.) to be issued & disposed of by Warrant under the Hand of the Lieutenant Governor, or Commander in Chief for the time being with the Advice & Consent of the Council; Four Thousand Eight Hundred Pounds whereof shall be applied for the Uses, Intents & Purposes in this Resolve hereafter express'd: Viz., For the Paym<sup>t</sup> of all Grants, Premiums & Stipends established by Law, For the Defraying & Paying the Charge of Castle William & the other Forts & Garrisons, Transports & Muster Rolls of Soldiers & Sailors, Allowances &c, and all other Accompts of Charges allowed & pass'd on for Payment by this Court; And that the Sum of Two Hundred Pounds being the Residue or Remaining Part of the said Sum of Five Thousand Pounds, shall be applied for the Payment of Expresses dispatch'd in the Service of this Government in the Recess of this Court, together with all other necessary unforeseen Charges which shall arise in the Recess of the Court as aforesaid;

*Provided always* that the several Draughts made upon the Treasurer as aforesaid express & declare out of which of the two several Sums aforementioned the Money is to be paid; and the said Bills shall pass out of the Treasury at the Value therein express'd equivalent to Money & shall be so taken & Accepted in all publick Payments;

And that the Duties of Impost & Excise together with all other publick Incomes shall be a Fund & Security for the Repayment & Drawing in the said Bills into the Treasury again so far as that will reach; And as a further Fund & Security for the Same;

It is further RESOLVED that there be & hereby is granted unto His most excellent Majesty for the Ends & Uses aforesaid & for no others Ends & Uses whatsoever, a Tax of Five Thousand Pounds to be levied upon Polls & Estates both Real & Personal within this Province according to such Rules & in such Proportion upon the several Towns & Districts within the Same as shall be Agreed on & Ordered by the Great & General Court or Assembly of this Province at their Session in May One Thousand seven Hundred & thirty four, & paid into the publick Treasury on or before the last Day of December next after.

In Council, Read & Concur'd—  
—*Ibid., p. 253.*

Consented to, Wm DUMMER."



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ACTS.

PASSED 1727.

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# ACTS

PASSED AT THE SESSION BEGUN AND HELD AT BOSTON,  
ON THE THIRTY-FIRST DAY OF MAY, A.D. 1727.

## CHAPTER 1.

AN ACT FOR GRANTING UNTO HIS MAJESTY AN EXCISE UPON WINES,  
LIQUORS AND OTHER STRONG DRINK, SOLD BY RETAIL.

WE, his majesty's most loyal and dut[i][y]ful[1] subjects, the repre- Preamble.  
sentatives of the province of the Massachusetts Bay, in general court  
assembled, being desirous to lessen the present debt of the province by  
drawing in a number of the bills of credit, in pursuance of the several  
grants of this court in the years 1721, 1723, 1724, 1725 and 1726, have  
cheerfully and unanimously granted, and do hereby give and grant  
unto his most excellent majesty, for the ends and uses abovementioned,  
and for no other uses, an excise upon all brandy, rum and other spirits  
distilled, and upon all wines whatsoever, sold by retail within this prov-  
ince, to be raised, levied, collected and paid by and upon every taverner,  
innholder, common victualler and retailer within each respective county,  
in manner following;—

*And be it accordingly enacted by the Lieutenant-Governour, Council  
and Representatives in General Court assembled, and by the authority  
of the same,*

[SECT. 1.] That from and after the twenty-ninth day of June, one Time limited.  
thousand seven hundred and twenty-seven, for the space of five years,  
every person licen[s][c]ed for retailing brandy, rum or other spirits,  
or wine, shall pay the dut[ie][y]s following; viz.,—

For every gallon of brandy, rum and spirits distilled, **eightpence.** Fees stated.

For every gallon of wine of every sort, eightpence.

A pipe of wine to be accounted one hundred gallons.

*And be it further enacted by the authority aforesaid,*

[SECT. 2.] That there be one or more collectors in each county, Collectors ap-  
pointed.  
appointed by the general court, or by the court of general sessions of  
the peace, where it shall happen that such collectors refuse to accept  
said office, or be removed by death or mismanagement, to take charge  
of this duty of excise, who shall have power to inspect the houses of  
all such as are licen[s][c]d, and of such as are suspected to sell with-  
out licen[s][c]e; which collectors shall be upon oath to take care of  
the due execution of this law, and to prosecute the breakers of it, and  
have power to appoint underofficers upon oath.

[SECT. 3.] And the said collectors shall carefully examin[e] the  
accounts of every licen[s][c]ed person in their respective count[ie][y]s,  
and demand, sue for and receive the several sums due from them by  
this act, and shall give in an account, under their hands, of the particular  
sums they receive, together with the names of the persons of whom  
received, unto the treasurer upon oath, which oath the treasurer is

hereby impowred and directed to administer in the words following; viz<sup>t</sup>.,—

You, A. B., do swear this is a just and true accompt of the excise upon all liquors by you received in the county of \_\_\_\_\_, and that the persons of whom you received the same were also upon oath. So help you God.

Five per cent  
for collecting.

[SECT. 4.] And at the time of receiving any money, the said collectors shall give two receipts of the same ten[our][ure] and date, mentioning what sum or sums they have received from [any] [every] taverner, in[n]holder, common victualler and retailer; one of which receipts to be, by the said taverner, innholder, common victualler or retailer, returned to the court of general sessions of the peace within their respective count[ie][y]s, at the next session of such court, and the clerks of the said courts shall within twenty days after receipt thereof, transmit the same to the treasurer or receiver-general; and such collectors shall pay into the publick treasury of this province, all such sums as they shall receive within six months from the date of their commission, and so from time to time within the space of six months, as long as they shall continue in such office, on pain and forfeiture of the reward given such collectors by this act, who shall be allowed five per cent on all money by them collected and paid into the treasury as aforesaid; each collector before he enter into the said office, to give bond, double the sum that is usually received for excise annually in said county, to the treasurer of this province, for the time being, and his successors in said office, with sufficient sureties, for the faithful[] discharge of his duty, and that he will duly pay in the money that he shall collect, to the treasurer of [the] [this] province, for the time being; which bond shall be executed before the court of general sessions of the peace in the respective count[ie][y]s where the said collectors live, and transmitted to the treasurer of the province, by the clerk of the peace within such county, within three months after the bond is executed; and [that] the said treasurer shall put in suit the bonds of all such collectors who shall neglect to make due payment within sixty days after the expiration of the year.

*And be it further enacted by the authority aforesaid,*

Account to be  
taken.

[SECT. 5.] That every taverner, innholder, common victualler and retailer shall, after the twenty-ninth day of June, one thousand seven hundred and twenty-seven, take an exact acco[un][mp]t of all rum, brandy and other distilled spirits, and wine, then by him, and give an acco[un][mp]t of the same unto the said collector upon oath, and such other persons as shall be licensed during the continuance of the said act, [and] [shall] also give an account, as aforesaid, upon oath, of what rum, brandy and other distilled spirits, and wine, he or they shall have by him or them at the time of his or their licen[s][c]e; which oath the collector shall have power to administer in the words following; viz<sup>t</sup>.,—

You, A. B., do swear that the acco[un][mp]t exhibited by you is a true and just acco[un][mp]t of all the rum, brandy and other distilled spirits, and wine, now by you. So help you God.

Within six  
months, ac-  
count to be  
delivered.

[SECT. 6.] That every taverner, innholder, common victualler and retailer shall make a fair entry in a book, of all such rum, brandy and other distilled spirits, and wine, as he or they, or any for him or them, shall buy, distill or take in for sale after such acco[un][mp]t taken, and at the end of every six months deliver the same in writing, under his or their hands, to the collector, who is to administer an oath to him or them that the said acco[un][mp]t is *bona fide* just and true, and that he or they do not know of any rum, brandy or other distilled spirits, or wine,

sold directly or indirectly by him or them, or any under him or them, or by his or their privity or consent, but what is contained in the account now exhibited; and shall pay him the duty thereof, excepting such part as the collector shall find is still remaining by him or them: twenty per cent to be allowed for leakage and other wast[e], for which no duty is to be paid.

Twenty per cent leakage.

[SECT. 7.] That the justices in their general sessions of the peace, shall take recognizances, with sufficient sureties, of all persons by them licen[sed], both as to their keeping good rule and order, and duly observing the laws relating to persons so licensed, as also for their duly and truly rendering an account in writing, under their hand as aforesaid, and paying their excise in manner as aforesaid: which recognizance shall be taken within the space of thirty days after the granting such licen[s]c[e]; otherwise the person licen[s]c[e]d shall lo[se] the benefit of his or her said licen[s]c[e].

General sessions to take recognizance.

*And whereas*, notwithstanding the laws made against selling strong drink without licence, many persons, not regarding the penalties and forfeitures in the said act, do receive and entertain persons in their houses, and sell great quantit[ies] of spirits and other strong drink, without license so to do first had and obtained, by reason whereof great debaucheries are committed and kept secret, the end of this law in a great measure frustrated, and such as take licenses and pay the excise greatly wronged and injured.—

Preamble.

*Be it therefore further enacted,*

[SECT. 8.] That whosoever, after the twenty-ninth of June, one thousand seven hundred and twenty-seven, shall presume to sell any brandy, rum or other distilled spirits, wine, beer, cyder, perry or any other strong drink in any smaller quantity than a quarter cask[e] (twenty gallons to be accounted a quarter cask[e]), without license first had and obtained from the general sessions of the peace, and recognizing in manner as aforesaid, shall forfeit the sum of ten pounds; one third to the poor of the town where the offence shall be committed, one third to the collector, and the other third to any person that shall inform the grand jury, or the said collector, as by this act is provided, and costs of prosecution; and all such as shall refuse or neglect to pay the fine aforesaid, shall stand closely and strictly committed in the common goal of the county for forty days at least, and not to have the liberty of the goaler's house or yard: and any goaler[s] giving any person liberty contrary to this act, shall forfeit and pay ten pounds, to be employed in manner as aforesaid, and pay cost of prosecution as aforesaid.

Forfeiture of ten pounds to sell without license.

[SECT. 9.] And if any person or persons not licensed as aforesaid, shall order, allow, permit or connive at the selling of any strong drink, contrary to the true intent and meaning of this law, by his or her child or children, servant or servants, or any other person or persons belonging to his or her family, and be thereof convicted, he, she or they shall be reputed the offender or offenders, and shall suffer the same penalties as if he, she or they had sold such drink themselves; unless such person or persons will *bona fide* swear that he, she or they did not order, allow or permit[t] thereof, or connive thereat.

[SECT. 10.] That two credible persons declaring upon oath that they bought strong drink of any unlicensed person or persons, it shall be judged sufficient evidence to convict him, her or them of selling without licence, altho their evidence relate to two different quantities of strong drink sold, and to two different times of sale: *provided*, there be not above the space of twenty days between the first and second times of sale.

Two persons' evidence sufficient.

Houses not  
licensed.

[SECT. 11.] That when and so often as it shall be observed that there is a resort of persons to houses suspected to sell strong drink without license, any justice of the peace shall have full power to convene such persons before him, and examin[e] them upon oath of the person suspected of selling or retailing strong drink in such houses, and on just ground to bind over the person transgressing, and the witnesses, to the next court of general[1] sessions of the peace for the county where such offence shall be committed.

*And be it further enacted,*

Persons refus-  
ing to give  
evidence.

[SECT. 12.] That any person refusing to give evidence as aforesaid, or at the trial of any person [presented] [prosecuted] or indicted for the selling strong drink without license, shall be liable to the same penalty as the said person indicted is liable to, in case he shall be convicted.

Innholder, &c.,  
giving a false  
account.

[SECT. 13.] That every taverner, innholder, common victualler or retailer, who shall be found to give a false account of any brandy, distilled spirits or wine by him at the time, or bought, distilled or taken in for sale after his license, or refuse to give in an acco[un][mp]t on oath as aforesaid, shall be rendered incapable of having a license afterwards, and shall be prosecuted by the collector for his neglect, and ordered by the general sessions of the peace to pay such sum of money as they may conclude that the excise of the liquors, &c., by him sold within such time would have amounted to, to be paid to the collector, for the use of the province.

Fines and for-  
feitures, how  
disposed of.

[SECT. 14.] All fines, forfeitures and penalties arising by this act, shall be recovered by bill, plaint or information, in any of his majesty's courts of record within the respective count[ie][y]s where such offence shall be committed, or by presentment of the grand jury, who are hereby strictly enjoined to inform of and present all breaches of this act.

*Provided always,—*

*And it is the true intent and meaning of this act,*

Taverner, &c.,  
to account for  
small quanti-  
ties.

[SECT. 15.] That if any taverner, retailer or common victualler shall buy of another taverner or retailer such small quantities of liquors as the law obliges him to account to the collector for, and pay the excise, the taverner, retailer or common victualler shall, notwithstanding, be accountable and pay the excise, as if none had been paid by the person he bought the same of. [*Passed June 26 ; published June 28.*]

## CHAPTER 2.

### AN ACT FOR THE BETTER INQUIRY INTO THE RATEABLE ESTATE OF THIS PROVINCE.

Preamble.  
1718 19, chap. 11.

WHEREAS there hath been great complaint that the sev[er]al[1] towns and precincts within this province have not born their equal proportion[s] in the late taxes ; for prevention thereof and that there may be a more just and equal way to proportion the several towns, precincts and inhabitants in this province,—

*Be it enacted by the Lieutenant-Governour, Council and Represent[at]ives in General Court assembled, and by the authority of the same,*

Assessors to  
take a true ac-  
count of polls  
and estate.

[SECT. 1.] That the assessors of each town within this province for the year one thousand seven hundred and twenty-seven, shall, upon oath, at or before the last day of August next, take a true and faithful acco[un][mp]t, according to their best skill and understanding, of all male polls, from sixteen years old and upwards, being inhabitants of each respective town, whether at home or abroad, and none to be

exempted through age, poverty or any other cause, and likewise all ratable estates, of the inhabitants of each town, both real and personal, with faculties, together with the farms and inhabitants adjacent thereto, except the governour or commander-in-chief, the lieutenant-governor and their families, the president, fellows and students of Harvard College, settled ministers and grammar-school masters, who are hereby exempted from being taxed as well for their polls, as their estate being in their own hands and under their actual management and improvement.

Persons exempted from taxes.

[SECT. 2.] And the said assessors shall be obliged, in taking such accounts, to conform themselves to lists or forms printed for this purpose; and shall make a true and just valuation according to the [rates] [rules] hereafter mentioned, estimating all houses and lands, cranes, wharfs, iron-works and all sorts of mills, &c., at six years' income, as they may be reasonably set or let for in the places where they ly [e], without any subtraction for repairs; and all Indian, negro [e] and molatto [e] servants for life, to be estimated as other personal estate; viz., each male servant for life, above fourteen years of age, at fifteen pounds value; each female servant for life, above fourteen years of age, at ten pounds value: except the said assessors shall see just cause (by reason of age or infirmity) to make any abatement of said value, which they are hereby allowed to do; and all Indian, negro [e] and molatto [e] male servants for a term of years, shall be number'd and rated as other polls, and not as personal estate; and every steer or ox of the age of four years old and upwards, at forty shillings value; and every cow or heifer of the age of three years old and upwards, at thirty shillings; and every horse or mare of three years old and upwards, at forty shillings; and every swine of one year old and upwards, at eight shillings; and every sheep or goat of one year old and upwards, at three shillings; and all deck'd vessels at thirty shillings per tun; and all other vessels at twenty shillings per tun; trading stock at one-quarter part of the true value thereof.

Rules for valuing ratable estate.

[SECT. 3.] And all such estate so estimated, with faculties, to be set [t] at one penny upon the pound; the said assessors to be obliged to take the following oath; viz.,—

You, A. B., being chosen an assessor for the town of D., for this present year, do swear that you will truly and faithfully do and perform the whole business and duty of an assessor, according to the directions of this act. So help you God.

Assessor's oath.

*And be it further enacted by the authority aforesaid,*

[SECT. 4.] That in every county there be three commissioners appointed by this court to go to each town, who being first sworn to the faithful discharge of their trust, shall examine and regulate the several lists and valuations made by the assessors of each town as aforesaid.

Commissioners appointed.

[SECT. 5.] And the said commissioners are empower'd to examine the said assessors upon oath, relating to the several lists presented to them, as also the assessors for the year one thousand seven hundred and twenty-six; who are hereby obliged to deliver to them the several lists referring to the tax in the said year; w[hi]ch oath the said commissioners are empower'd to administer.

Their power.

[SECT. 6.] And such lists being perfected and sign'd by the assessors and commiss[ione]rs for the year one thousand seven hundred and twenty-seven, shall be by the s[ai]d commiss[ione]rs deliver'd to the general court in the second week of their next fall session.

[SECT. 7.] And the commissioners appointed for each county are as follows; viz.,—

Commissioners' names.

*For the county of Suffolk*—John Chandler, Esq<sup>r</sup>, John Quincy, Esq<sup>r</sup>, Mr. John Brown.

*For the county of Essex*—Thomas Berry, Esq<sup>r</sup>, Mr. Nathaniel Coffin, Epes Sargent, Esq<sup>r</sup>.



*For the county of Middlesex*—Francis Bowman, Esq<sup>r</sup>, Jonath[a]n Prescott, Esq<sup>r</sup>, Mr. Samuel Brigham.

*For the county of Hampshire*—John Stoddard, Esq<sup>r</sup>, Mr. Thomas Hastings, Mr. Samuel Day.

*For the county of Pl[y][i]mouth*—C[a]pt. Amos Turner, Mr. Elisha Bysby, Mr. Joseph Keith.

*For the county of Barnstable*—Joseph Doan, Esq<sup>r</sup>, C[a]pt. John Thacher, C[a]pt. Shubael Baxter.

*For the county of Bristol*—Seth Williams, Esq<sup>r</sup>, Nathaniel Payne, Esq<sup>r</sup>, C[a]pt. Robert Dennis.

*For the county of York*—Col[1]. Johnson Harman, C[a]pt. James Grant, Mr. Samuel Stewart.

*For Dukes County*—Enoch Coffin, Esq<sup>r</sup>, Mr. Shubael Smith, Mr. Samuel Cobb.

*For the island of Nantucket*—Mr. Daniel Bunker, Mr. Nathan Foulger, George Bunker, Esq<sup>r</sup>.

[SECT. 8.] And none of the aforesaid assessors shall serve as commissioners.

Allowance to the commissioners and assessors.

[SECT. 9.] And the several commissioners shall be allowed for their service eight shillings *per diem*, to be paid by their respective count[ie][y]s, and the assessors four shillings *per diem*, to be paid by the respective towns.

Penalty for commissioners' or assessors' neglect.

[SECT. 10.] And if any of the s[ai]d commissioners shall neglect or fail in their duty, each of them shall forfeit and pay the sum of ten pounds; or if any of the said assessors shall refuse, neglect or fail in their duty, each of them shall forfeit and pay the sum of five pounds; the one half to his majesty, and the other half to him or them that shall inform and sue for the same by bill, plaint or information in any of his majesty's courts of record.

Court of sessions to appoint commissioners, in case.

[SECT. 11.] And in case of sickness, death or refusal of any of the said commissioners, the justices of the court of general sessions of the peace in the respective counties within this province are hereby empowered to appoint others in their room; and the clerk of the sessions in each county where such vacancy happens, and the sessions not near sitting, is hereby directed to notify all the justices of the said county to sit in the shire town for the supplying and filling up such vacancy or vacanc[ie][y]s. [Passed June 14; published July 11.]

## CHAPTER 3.

AN ACT TO DISABLE THE SEVERAL JUDGES FOR THE PROBATE OF WILLS AND GRANTING ADMINISTRATION IN THE RESPECTIVE COUNT[IE][Y]S OF THIS PROVINCE FROM SITTING AS JUDGES IN CIVIL ACTIONS DEPENDING ON OR RELATING TO ANY SENTENCE OR DECREE BY THEM MADE IN THEIR OFFICE AFORESAID.

Preamble.

WHEREAS, several of the judges of the probate of wills and for granting administration on intestate estates within this province are, or may be, justices either of the superiour court of judicature or of the inferiour court of common pleas, before whom, oftentimes, actions are brought and determined that depend upon or relate to the decree or sentence of such judges of probate; and it being inconvenient that such judge of probate should have a voice in judging or determining such cases,—

Be it enacted by the Lieutenant-Governour, Council and Representatives in General Court assembled, and by the authority of the same,

No judge of probate to be judge or attorney.

That from and after the publication of this act, no judge for the probate of wills and granting administration on intestate estates

within this province, shall be allowed or admitted to have a voice in judging or determining, nor shall he be admitted to plead or act as an attorney, in any civil action whatsoever, which may depend on or have relation to any sentence or decree made or pass'd by him in his office aforesaid; any law, usage or custom to the contrary notwithstanding. [*Passed July 3; published July 11.*]

ney in another court, in any cause wherein he has passed a decree.

## CHAPTER 4.

### AN ACT IN ADDITION TO THE ACT ENTITLED "AN ACT RELATING TO EXECUTORS AND ADMINISTRATORS."

WHEREAS, in and by an act made in the second year of the late Queen Ann[*e*], entitled "An Act relating to executors and administrators," among other things, it is enacted that "any executor, being a residuary legatary, may bring his action of account against his co-executor or executors, of the estate of the testator in their hands, and may also sue for and recover his equal and ratable part thereof; and any other residuary legatary shall have like remedy against the executors;" and whereas it often happens that such executor or executors move or dwell out of the province, and leave the estate of the testator in the hands and under the management of their agent or attorney, whereby the co-executor and residuary legatee lose the benefit of the said act, by reason of which, manifest wrong is done; for remedy whereof,—

Preamble.  
1703-4, chap. 12,  
§ 3.

*Be it enacted by the Lieutenant-Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

That every agent or attorney of any executor or executors removed or dwelling out of this province shall be liable and subject to every action and demand by the co-executor or executors or residuary legatee or any other person, so far as said agent or attorney shall have received of the estate of the deceased into his own hands: *provided, always, that the action be brought within one year from the time of the agent's or attorney's receiving such effects, and not after; any law, usage or custom to the contrary notwithstanding.* [*Passed July 7; published July 11.*]

Agent of executors out of the province, liable to suits, &c.

Proviso.

## CHAPTER 5.

### AN ACT TO ENABLE GUARDIANS TO JOIN IN THE PARTITION OF LANDS OR OTHER REAL ESTATE WHEREIN MINORS ARE CONCERN[E]D.

WHEREAS the partition of lands or other real estate, among the persons concern[*e*]d, though much desired and of great advantage, is often hinder'd and delay'd by reason of infants or persons under age being interested in such estate, to the damage as well of the infants as others therein concern'd; for remedy whereof,—

Preamble.

*Be it enacted by the Lieutenant-Governour, Council and Represent[at]ives in General Court assembled, and by the authority of the same,*

That it shall be in the power of the guardian or guardians of any infants concerned in any real estate that is common or undivided, upon application made to and leave had from the superiour court of judicature, holden for and within the respective counties of this province where such lands or real estate ly[*e*], either by such guardian or

Guardians empowered to join in the partition of lands, &c.

guardians, or the other partners interested, to join in and make partition of such real estate as aforesaid, to and among them: *provided*, such partition or division be made upon oath by five freeholders (or the major part of them) to be appointed by the justices of the said superiour court, and a return of such partition to be made to the clerk's office of the said court, and there to be recorded: w<sup>h</sup>ich partition or division made in manner aforesaid, shall be valid and effectual to all intents and purposes in the law; any custom, usage or law to the contrary notwithstanding. [*Passed July 5; published July 11.*]

## CHAPTER 6.

AN ACT TO ENABLE EXECUTORS AND ADMINISTRATORS TO PROSECUTE OR DEFEND ANY SUITS THAT ARE DEPENDING, OR HEREAFTER SHALL DEPEND, UPON APPEAL, WHEREIN THE TESTATOR OR INTESTATE WAS OR SHALL BE APPELLANT OR APPELLEE.

### Preamble

WHEREAS it often happens that, after causes have been heard and tried at the inferiour court of common pleas within the several counties of this province, the party who is dissatisfied with the judg[e]ment given, doth appeal therefrom to the next superiour court of judicature, to be holden within and for the same county where the action has been first tryed, and many times it comes to pass that either the appellant or the appellee dyes before the sitting of the superiour court appeal'd to; by reason whereof the great and general assembly of this province are often troubled with the hearing of petitions from the executors or administrators, or the surviving party, and spend much of their time in passing resolves for their having liberty to begin their suit[s] anew, or for other relief, as the matter may require; and, by means of the death of either party, pending the appeal, the creditor for a long time hath been kept out of his just dues, and the proprietors of houses and lands kept out of possession thereof, for want of a more speedy remedy in the law in such cases,—

*Be it therefore enacted by the Lieuten[an]t-Govern[ou]r, Council and Represent[ati]ves in General Court assembled, and by the authority of the same,*

Executors and administrators empowered to prosecute and defend actions commenced before their being in such capacity.  
3 Mass., 298.

[SECT. 1.] That in case of the death of any party, either the appellant or the appellee, before the sitting of the superiour court appeal'd to, the executor or executors, administ[rato]r or administ[rato]rs of such deceased party, who was appellant or appellee, shall have full power to prosecute or defend any such suit or action, as shall be depending at the death of the testator or intestate, from court to court until definitive judg[e]ment; and the justices of the superiour court before whom such cases are tryable, are hereby directed and empower'd to hear and determine all such cases, proceed to judg[e]m[en]t and award execution accordingly.

Court's power to grant imparlances, &c.

[SECT. 2.] And when it shall so happen that either the appellant or the appellee be taken away by death sooner than the time of the sitting of the court appeal'd to, so that the executor or administ[rato]r of the deceased hath not suitable time to prepare for managing the cause depending, or to become duly qualified to prosecute or defend the same, in such case it shall and may be lawful for the justices before whom the cause is to be heard and tried, to suspend the hearing and trying of every such cause until the next term after.

*And be it further enacted by the authority aforesaid,*

[SECT. 3.] That if by the verdict of a jury, default or neglect of prosecuting such appeal, or otherwise, judgment pass against the executor or administ[rato]r of any person deceased, the justices of the superiour or inferiour courts, respectively, are hereby authorized and directed to make up judgment against the estate of the deceased in the[ir] hands, and under the administration of the executor or administ[rato]r, as it should have been in case the suit had been originally commenced by or against such executor or administrator in that capacity ; any law, usage or custom to the contrary notwithstanding. *[Passed July 4 ; published July 11.]*

Judgment to be made up against the estate of the deceased, &c.

## CHAPTER 7.

AN ACT IN ADDITION TO THE SEVERAL ACTS RELATING TO THE ADMEASUREMENT OF BOARDS, PLANK AND TIMBER, AND FOR REGULATING THE TALE AND ASSIZE OF SHINGLES, AND ALSO FOR REGULATING THE TALE AND ASSIZE OF CLAPBOARDS.

FORASMUCH as there is great fraud and injustice practiced by several ill-minded persons in the making and selling of shingles and clapboards, notwithstanding the provision made already by the laws of this province for [the] preventing the same,—

*Be it enacted by the Lieuten[an]t-Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

[SECT. 1.] That all shingles that shall be exposed to sale shall be made of good sound timber, and of the following dimensions ; that is to say, each shingle to bear eighteen inches or fifteen inches in length (according to which of those lengths they are sold for), and not under half an inch thick at the thick end, and well shaved so as to be free from winding, nor under three inches in breadth ; and the said shingles of the different lengths aforesaid, to be made up in distinct bundles.

Preamble.  
1695-96, chap. 5  
1710-11, chap. 7

Quantity and quality of shingles.

*And be it further enacted,*

[SECT. 2.] That all clapboards that shall be exposed to sale shall be made of good, sound timber, and of the following dimensions ; that is to say, full five-eighths of an inch thick, five inches wide, four feet and six inches long ; and that they be strait, and well shaved.

Quantity and quality of clapboards.

*And be it further enacted,*

[SECT. 3.] That all shingles and clapboards, before their being sent from the town where they were made, and at the place of sale, before their delivery, shall be viewed, surveyed and measured by a sworn surveyo[u]r, and shall be by the said surveyo[u]r, mark'd with the brand of the town, upon the hoop in which the shingles are bundled up, and upon the clapboard on the outside of the bundle ; and all such shingles and clapboards as shall be sold or shipp'd off, or that are brought to the market, either by water or land carriage, and not survey'd and mark'd, as aforesaid, shall become forfeit and disposed of as is hereafter directed by this act.

Shingles and clapboards to be surveyed and marked at the place where they are made

Penalty.

*And be it enacted by the authority aforesaid,*

[SECT. 4.] That every bundle of shingles that, according to the sound judgment of the surveyo[u]r, will hold out, one with another, four inches and an half in breadth, shall be accounted merchantable : *provided* they are fifteen or eighteen inches in length (according to which of those lengths they are sold for), and the least to be three inches in width, and full half an inch in thickness.

Merchantable shingles.

Shingles and clapboards not merchantable, how to be disposed of.

Surveyor first to be paid.

Fee for surveying clapboards and shingles.

General sessions of the peace to appoint surveyors.

Disposition of the fines.

Term of the act's continuance.

[SECT. 5.] And all shingles and clapboards that are not according to the directions of this act, to be culled out and burn'd; and what shingles and clapboards in the bundle that are good and merchantable where the defective ones are found, shall be deliver'd to [to] the selectmen or overseers of the poor of said town, to be disposed of for the use of the poor of the town where the said shingles or clapboards shall be offered to be sold or ship'd off; the surveyor first paying himself for his said service out of the produce of the same, as is in and by this act provided.

*And be it further enacted,*

[SECT. 6.] That the surveyor for his service shall be paid by the buyer fourpence per thousand for surveying and telling [*shingles*], [*shillings*] and twelpence per thousand for viewing and surveying clapboards.

[SECT. 7.] And the justices of the peace within the several counties of this province, at their general sessions to be holden next after the publication of this act, shall appoint surveyors of shingles and clapboards in the several towns within such county where they are made or exposed to sale, and so, from time to time, annually, and where the respective towns have not chosen such surveyors; and that whoever being legally chosen a surveyor, shall refuse to serve, he shall forfeit and pay the sum of forty shillings, to be disposed of to the use of the poor of the town where such person shall be chosen.

[SECT. 8.] And all fines arising by the breach of this act, to be recover'd in any of his majesty's courts of record in this province, shall be one half to the informer, or him that shall sue for the same, and the other half to the poor of the town where the offence shall be committed.

[SECT. 9.] This act to take place the first day of January next, and to continue for the space of four years, and to the end of the session of the general assembly next after. [*Passed June 23; published July 11.*]

## CHAPTER 8.

AN ACT IN FURTHER ADDITION TO, AND FOR RENDERING MORE EFFECTUAL, AN ACT MADE IN THE TENTH YEAR OF THE REIGN OF KING WILLIAM THE THIRD, ENTITULED "AN ACT FOR PREVENTING OF TRESPASSES."

Preamble.

1726-27, chap. 3.  
(1698, chap. 7.)

WHEREAS in the act made in the twelfth year of his present majestie's reign, entituled "An Act in addition to, and for rendering more effectual, an act made in the tenth year of the reign of King William the Third, entituled 'An Act for preventing of trespasses,'" good provision is made to prevent cutting, felling or destroying of trees, timber, wood, underwood, breaking fences, digging oar, clay, &c., but no provision is therein made against cutting and destroying of grass and sedge growing on the common lands of any town or proprietors, or destroying and carrying away any hay lying on the same, nor against taking away from any wharf or publick landing-place any posts, rails, plank, boards, slitwork, cooper-stuff, shingles, wood or timber,—

*Be it therefore enacted by the Lieuten[an]t-Govern[or], Council and Represent[ati]ves in General Court assembled, and by the authority of the same,*

Trespass in cutting or carrying away grass, hay or corn.

Of posts, rails and other lumber or goods.

[SECT. 1.] That if any person or persons, after the publication of this act, shall presume to cutt or carry away any sedge, grass, hay or corn standing, lying or being on any land belonging to any town, proprietors or particular persons, where he or they so cutting or carrying away have no right, or shall take away from any wharf or common landing-place, any posts, rails, plank, boards, slitwork, cooper-stuff,



shingles, wood or timber, or any other lumber or goods, which he or they have no right to take, shall, for every such trespass, forfeit and pay the party or parties so trespass'd upon, treble damages, to be sued for and recover[ed] in any court proper to try the same, after the same manner of conviction and by the same rules and methods as is directed in and by the aforesaid additional act for preventing trespasses: *unless* such person or persons have first obtain[ed] leave or licence from the major part of such town or proprietors, at a meeting orderly warn'd and assembled for that purpose, or from any particular person or persons who are in possession of such lands or wharves.

*Provided, nevertheless,*

[SECT. 2.] That this act or any clause therein, shall not be understood or construed so as to bar or hinder any town proprietors or particular persons from prosecuting any other person or persons for theft, who shall carry away any hay or corn sever'd from the freehold, or such as shall take from any wharf or common landing-place, any posts, rails, plank, boards, slitwork, cooper-stuff, shingles, wood or timber, or other lumber or goods, which he or they have no right to take; but that in such case, any town proprietors or particular person[s] may proceed in such manner as if this law had not been made; any law, usage or custom to the contrary notwithstanding. [*Passed July 4; published July 11.*]

*Provided that  
prosecution for  
theft be not  
hereby barred.*

## CHAPTER 9.

AN ACT TO ENABLE PROPRIETORS OF COMMON AND UNDIVIDED LANDS TO MAKE ORDERS, AND ANNEX PENALTIES THEREON, FOR THE BETTER REGULATING AND MANAGING THEIR PROPRIETIES.

WHEREAS it so happens that in some towns or proprietries within this province there are some parcels of upland, sedge-ground or meadow-land, which ly[ed] under such circumstances as render a division of the same very difficult and disadvantageous, which, notwithstanding, would be of considerable use and benefit to the owners if the same could be improved under due regulations; but there being no law of this province to enable proprietors to make orders and annex penalties to prevent disorder, evil-minded persons take such measures as sometimes render the regular and orderly improvem[en]t of such lands very difficult, if not impossible,—

*Be it therefore enacted by the Lieuten[an]t-Govern[ou]r, Council and Represent[ati]ves in General Court assembled, and by the authority of the same,*

That proprietors of common and undivided lands, at a meeting warn'd as the law directs, and assembled, shall and may have power by a major vote of the persons then assembled (said votes to be collected according to each one's interest), to make and pass such orders for fencing, improving and timing the improvement of such undivided lands or meadows as by them shall be thought proper and convenient, and to annex penalties on the breach and non-observance of such orders: *provided* such penalty doth not exceed fifteen shillings for one offence: *provided, also,* that such order so made, be allowed and approved of by the court of general sessions of the peace for the county where the land lies, and is not repugnant to the general laws of the province; that then such order or orders shall have such force and effect, as that such proprietors, thereupon, by their treasurer, agent or agent's, may recover the penalty thereto annex'd, against the breakers or non-observers thereof, in any court proper to try the same; such penalty to be

*Preamble.  
1712-13, chap. 9.  
13 Allen, 543.*

*Proprietors of  
common lands  
empowered to  
make orders  
and annex  
penalties.*

*Proviso.*

disposed of as the proprietors shall order or direct; any law, usage or custom to the contrary notwithstanding. [*Passed June 27; published July 11.*]

## CHAPTER 10.

AN ACT FOR THE RENDERING MORE EFFECTUAL THE ACT ENTITLED, "AN ACT TO PREVENT NUSANCES BY HEDGES, WEARS AND OTHER INCUMBRANCES OBSTRUCTING THE PASSAGE OF FISH IN RIVERS."

Preamble.  
1700-10, chap. 7.

WHEREAS, in and by an act made and pass'd in the eighth year of the reign of Queen Ann[e], entitled "An Act to prevent nusances by hedges, wears and other incumbrances obstructing the passage of fish in rivers," all such incumbrances in the rivers are disallowed and forbidden without the approbation of the courts of general sessions of the peace in the respective counties, and ordered to be demolished and pull[e]d down, but no penalty is provided in the said act; wherefore, for the more effectual preventing such nusances,—

*Be it enacted by the Lieuten[an]t-Govern[ou]r, Council and Represent[ati]ves in General Court assembled, and by the authority of the same,*

Penalty for making weirs, &c., to obstruct the passage of fish.

That whosoever, after the publication of this act, shall set[t] up, erect or make any weirs, hedges, fish-garths, stakes, kiddles or other incumbrances whatsoever, on or across any river for straitning, obstructing or stopping the natural, usual or common passage of the fish, in the spring or other proper seasons of the year, without the approbation of the court of general sessions of the peace, shall, for every such offence, forfeit and pay the sum of ten pounds, to be sued for and recover[e]d by plaint, bill or information in any of his majestie's courts of record within the county where the offence is committed; one half thereof to be to him that shall inform and sue for the same, and the other half to the poor of the town or towns where such incumbrances have been made or set up. [*Passed July 3; published July 11.*]

## CHAPTER 11.

AN ACT FOR ERECTING THE PRECINCT OF CAPE COD INTO A TOWNSHIP BY THE NAME OF PROVINCETOWN.

Preamble.  
1714, chap. 7,  
§ 2.

WHEREAS the province lands of Cape Cod, in the year one thousand seven hundred and fourteen, were, by the general court, made a precinct, and the inhabitants thereof, being since that time much increased in number, have address'd this court that, in consideration of the difficulties and inconveniences they labour under and are exposed unto, they may be vested with the powers and privileges of a township,—

*Be it therefore enacted by the Lieutenant-Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

Cape Cod made town by the name of Provincetown.

[SECT. 1.] That all the lands on the said Cape, being province lands, be, and hereby are, constituted a township by the name of Provincetown; and that the inhabitants thereof be vested with the powers, privileges and immunities that the inhabitants of any of the towns within this province by law are or ought to be vested with: *saving, always, the right and title of this province to the said lands, which is to be in no wise prejudiced.*

Saving the right of the province.

*And provided,*

[SECT. 2.] That no person or persons be hinder'd or obstructed in building such wharfs, stages, workhouses and flakes, or other things, as shall be necessary for the salting, drying, keeping and packing their fish, or in cutting down and taking such trees and other materials, growing on the said province land, as shall be needful for that purpose (without making any wilful wast[er] or spoil, or barking or boxing any pine trees standing or growing on the said land), or in any sort of fishing, whaling or getting of bait, at the said Cape; but that the same be held in common, as heretofore, with all the privileges and advantages thereunto in anywise belonging. *[Passed June 14; published July 11.]*

Privilege of making fish there, to be held in common.

## CHAPTER 12.

### AN ACT FOR DIVIDING THE TOWN OF MENDON, AND ERECTING A NEW TOWN THERE BY THE NAME OF UXBRIDGE.

WHEREAS the westerly part of the town of Mendon, within the county of Suffolk, is competently filled with inhabitants, who labour under great difficulties by their remoteness from the place of publick worship, &c., and have thereupon made their application to the said town of Mendon, and have likewise address'd this court, that they may be set[t] off a distinct and separate town, and be vested with all the powers and privileges of a town: and the inhabitants of Mendon having consented to their being set[t] off accordingly.—

Preamble.

*Be it therefore enacted by the Lieutenant-Governor, Council and Representatives in General Court assembled, and by the authority of the same,*

[SECT. 1.] That the westerly part of the said town of Mendon be, and hereby is, set[t] off and constituted a separate township by the name of Uxbridge: the bounds of the said town to be as followeth; that is to say, beginning at the south-west corner of the town of Mendon, at the province south line, thence to run, four miles east, with the province line: then north, a line paralel with the west line of the said town, until that line meet with a small brook that runs between the West Hill and Miscoe Hill; then the said brook to be the bounds to the West River; then the West River to be the bounds to a brook known by the name of Andrew's Brook, w[hic]h brook shall be the bounds to the north line of the township: and that the inhabitants of the lands, as before described and bounded, be, and hereby are, vested with the powers, privileges and immunities that the inhabitants of any of the towns of this province are or ought by law to be vested with: *provided,* the grant of the said township be not construed to affect the rights and properties of any persons [to] lands within the same.

A new town called Uxbridge. Bounds thereof.

*Provided, also,*

[SECT. 2.] That the inhabitants of the said town of Uxbridge do, within the space of two years from the publication of this act, erect and finish a suitable house for the publick worship of God, and procure and settle a learned, orthodox minister of good conversation, and make provision for his comfortable and honourable support; and that they set[t] apart a lot of not less than one hundred acres of land, in some convenient place in the s[ai]d town near the meeting-house, for the use of the ministry, and likewise provide a school-master to instruct their youth in writing and reading. *[Passed June 27; published July 11.]*

Proviso.

Proviso.

## CHAPTER 13.

AN ACT FOR DIVIDING THE TOWN OF MARLBOROUGH, AND ERECTING  
A NEW TOWN THERE BY THE NAME OF SOUTHBOROUGH.

## Preamble.

WHEREAS the southerly part of the town of Marlborough, within the county of Middlesex, is competently filled with inhabitants, who labour under great difficulties by their remoteness from the place of publick worship, &c., and have thereupon made their application to the said town of Marlborough, and have likewise address'd this court, that they may be set[t] off a distinct and separate town, and be vested with all the powers and privileges of a town; and the inhabitants of Marlborough having consented to their being set[t] off accordingly,—

*Be it therefore enacted by the Lieutenant-Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

A new town  
called South-  
borough.

Bounds of the  
town.

[SECT. 1.] That the southerly part of the said town of Marlborough, as hereafter bounded and described, be and hereby is set off and constituted a separate township by the name of Southborough; the bounds of the said town to be as followeth; viz., beginning at an oak tree, by some called a black oak, standing in Westborough line; then by Westborough line to an heap of stones, where it meets with Framingham line; then turning easterly, by sundry mark'd trees and heaps of stones, until it comes to a heap of stones southerly of Troublesom[e] Meadow; and from thence by mark'd trees, being the ancient bounds of Marlborough, until it comes to an heap of stones near the house of Daniel Mixter; from thence extending the ancient bounds of Marlborough to a dead walnut; and from thence to an heap of stones in Framingham line, where it meets with the lands still remaining to Marlborough; and from thence, by the several monuments and bounds express'd in the vote of the town for setting the same off, until it comes to the oak tree first mentioned: according to a plat of the said land taken by C[a]pt. William Ward, and lodged in the files of the general court; and that the inhabitants of the said lands as before bounded and described, be and hereby are vested with the powers, privileges and immunities that the inhabitants of any of the towns within this province are or ought by law to be vested with: *provided*, the grant of the said township be not construed to affect the rights and properties of any persons to lands within the same.

Proviso.

*Provided, also,*

Proviso.

[SECT. 2.] That the inhabitants of the said town of Southborough do, within the space of eighteen months from the publication of this act, erect and finish a suitable house for the publick worship of God, and procure and settle a learned, orthodox minister of good conversation, and make provision for his comfortable and honourable support; and likewise provide a [a] school-master to instruct their youth in writing and reading.

*And be it further enacted,*

Inhabitants to  
pay their dues  
to Marlborough  
till the time of  
their being set  
off.

[SECT. 3.] That the inhabitants of the said town of Soataborough who have not paid their proportions to the minister's salary, and other assessments made in the town of Marlborough, to the time of the publication of this act, be still liable to pay the same in such manner as heretofore; and the respective constables of the said town of Marlborough are hereby directed and empower'd to collect the same accordingly.

*Provided, always,*

[SECT. 4.] That the said inhabitants shall be entitled to and have the benefit of any town rate or tax in Marlborô<sup>ugh</sup>, already granted and made for the use of the s<sup>a</sup>id town only, in as full and ample manner as they were before their being set off and made a separate township; anything herein contain<sup>d</sup> to the contrary notwithstanding. *Provido.*  
[Passed July 6; published July 11.]

## CHAPTER 14.

AN ACT FOR ERECTING A NEW TOWN WITHIN THE COUNTY OF  
PL[F][I]MOUTH, BY THE NAME OF HAN[N]OVER.

WHEREAS the inhabitants of the westerly part of the town of Scituate and the inhabitants of the easterly part of the town of Abingdon labour under great difficulties by reason of their remoteness from the places for the publick worship of God, and have thereupon made their application to this court that the lands on the westerly part of the town of Scituate, and the lands on the easterly part of the town of Abingdon, adjoining together, and whereon they dwell, may be erected into a township, and that they may be vested with all the powers and privileges of a town,— *Preamble.*

*Be it therefore enacted by the Lieuten[an]t-Govern[ou]r, Council and Representatives in General Court assembled, and by the authority of the same,*

[SECT. 1.] That the westerly part of the said town of Scituate, and the easterly part of the said town of Abingdon, be and hereby is set[t] off and constituted a separate township, by the name of Han[n]over, the bounds of the said township to be as follows; viz., to begin at the third herring-brook at David Jacob's saw-mill dam, and from thence running near west about two hundred and forty-six rods, to the north-east corner of Isaac Turner's great lot; then, near west, with the north side line of said great lot, one mile, to the share line; and then, continuing the same course, three-quarters of a mile; then turning and running near south, two miles, to the south-west corner of Nehemiah Cushing's lot; then, south, five degrees and forty minutes west, to the southerly bounds of Abingdon; and on the south side it is bounded on the line betwixt Abingdon and Pembroke, and on Indian Head River, and south-easterly by the North River, and easterly by the aforesaid third herring-brook, from the said North River to the dam before mentioned; and that the inhabitants of the said lands as before described and bounded be and hereby are vested with the powers, privileges and immunities that the inhabitants of any of the towns of this province by law are or ought to be vested with. *A new town called Hanover*  
*Bounds of the town.*

*Provided,*

[SECT. 2.] That the inhabitants of the said town of Han[n]over do, within the space of two years from the publication of this act, erect and finish a suitable house for the publick worship of God, and, as soon as may be, procure and settle a learned, orthodox minister, of good conversation, and make provision for his comfortable and honourable support, and likewise provide a school-master to instruct their youth in writing and reading; and that thereupon they be discharged from any further payments for the maintenance of the ministry and school in the towns of Scituate and Abingdon; for any estate lying within the said town of Han[n]over: *Provido.*  
*saving* to the inhabitants of the towns of *Saving.*



Scituate and Han[n]over, respectively, their interest and propriety in the common and undivided lands within the said towns of Scituate and Han[n]over; anything in this act to the contrary notwithstanding. [*Passed June 14; published July 11.*]

## CHAPTER 15.

### AN ACT FOR GRANTING UNTO HIS MAJESTY SEVERAL RATES AND DUTIES OF IMPOST AND TUNNAGE OF SHIPPING.

WE, his majesty's most loyal and dutiful subjects, the representatives of his majesty's province of the Massachusetts Bay in New England, considering the necessity of calling in the sum of thirty-two thousand two hundred seventy-eight pounds six shillings, granted to his present majesty, by bills emitted at the several sessions in the years 1723, 1724, 1726, to be levied and collected in this present year, have cheerfully and unanimously given and granted, and do hereby give and grant unto his most excellent majesty, to the ends, use and intent aforesaid, and for no other use, the several duties of impost upon wines, liquors, goods, wares and merchandize that shall be imported into this province, and tunnage of shipping, hereafter mentioned and expressed, for calling in the sum of five thousand two hundred pounds, part of the said sum of thirty-two thousand two hundred seventy-eight pounds six shillings abovementioned; and pray that it may be enacted,—

*And be it accordingly enacted by the Lieutenant-Governor, Council and Representatives in General Court assembled, and by the authority of the same,*

[SECT. 1.] That, after the twenty-ninth day of June, instant, there shall be paid by the importer of all wines, liquors, goods, wares and merchandizes that shall be imported into this province from the place of their growth (salt, cotton-wool, provisions and every other thing of the growth and produce of New England excepted), the several rates and duties of impost following; viz.,—

For every pipe of wine of the Western Islands, twenty shillings.

For every pipe of Canary, thirty shillings.

For every pipe of Madera, twenty-five shillings.

For every pipe of other sorts not mentioned, twenty-five shillings.

For every hogshead of rum containing one hundred gallons, twenty shillings.

For every hogshead of sugar, two shillings.

For every hogshead of molasses, one shilling.

For every hogshead of tobacco, twenty shillings.

For every tun of logwood, three shillings.

And so proportionably for greater or lesser quantities.

And for all other commodities, goods or merchandize not mentioned or excepted, one penny for every twenty shillings value: all goods imported from Great Britain excepted.

[SECT. 2.] And, for any of the above wines, liquors, goods, wares, merchandize, &c., that shall be imported into this province from any other port than the places of their growth and produce, there shall be paid by the importer double the value of impost appointed by this act to be received for every species abovementioned, unless they do *bona fide* belong to the inhabitants of this province, and come upon their risque from the port of their growth and produce.

*And be it further enacted by the authority aforesaid,*

[SECT. 3.] That all the aforesaid imposts, rates and duties shall be paid in current money, or in bills of credit of this province, by the importer of any wines, liquors, goods or merchandize, unto the commissioner and receiver to be appointed, as is hereinafter directed, for entering and receiving the same, at or before the landing of any wines, liquors, goods or merchandizes; only the commissioner or receiver is hereby allowed to give credit to such person or persons where his or their duty of impost, in one ship or vessel, doth exceed the sum of ten pounds; and in case where the commissioner or receiver shall give credit, he shall settle and balance his accounts with every person, so that the same accounts may be ready to be presented to this court in May next; and all entries, where the impost or duty to be paid doth not exceed four shillings, shall be made without charge to the importer, and not more than sixpence to be paid for any other single entry to what value soever.

*And be it further enacted by the authority aforesaid,*

[SECT. 4.] That all masters of ships or other vessels coming into any harbour or port within this province, from beyond sea or from any other province or colony, before bulk be broken and within twenty-four hours after his arrival to such harbour or port, shall make a report to the commissioner or receiver of the impost, to be appointed as is hereinafter mentioned, of the contents of the lading of such ship or vessel, without any charge or fee to be demanded or paid for the same; which report such master shall give in to the said commissioner or receiver under his hand, and shall therein set down and express the quantities and species of the wines, liquors, goods and merchandizes laden on such ship or vessel, with the marks and numbers thereof, and to whom the same is consigned, and also make oath that the said report or manifest of the contents of his lading, so to be by him given in under his hand as aforesaid, contains a just and true account, to the best of his knowledge, of the whole lading taken on board and imported in the said vessel from the port or ports such vessel came from, and that he hath not broken bulk nor delivered any of the wines, rum or other distilled liquors or merchandizes laden on said ship or vessel, directly or indirectly, and that if he shall know of any more wines, liquors, goods or merchandize to be imported therein, before the landing thereof he will cause it to be added to his manifest; which manifest shall be agreeable to a printed form made for that purpose, which is to be filled up by the said commissioner or receiver according to each particular person's entry: which oath the commissioner or receiver is hereby empowered to administer; after which such master may unload and not before, on pain of one hundred pounds to be forfeited and paid by each master that shall neglect his duty on this behalf.

*And be it further enacted by the authority aforesaid,*

[SECT. 5.] That all merchants, factors and other persons, importers, being owners of or having any of the wines, liquors, goods or merchandizes consigned to them that by this act are lyable to pay impost or duty, shall, by themselves or order, make entry thereof in writing, under their hands, with the said commissioner or receiver, and produce unto him the original invoice of all such goods as pay *ad valorem*, and make oath thereto in manner following:—

You, A. B., do swear that the entry of the goods and merchandize, by you now made, contains the true value, agreeable to the original invoice herewith exhibited, and that, according to your best skill and judgment, it is not less than the real cost thereof. So help you God.

—which abovesaid oath the commissioner or receiver is hereby empowered to administer; and they shall pay the duty and impost by this act

required, before such wines, liquors, goods, wares or merchandizes be landed or taken out of the vessel in which the same shall be imported, on pain of forfeiting all such wines, liquors, goods, wares or merchandizes so landed or taken out of the vessel in which the same shall be imported.

[SECT. 6.] And no wines, liquors, goods, wares or merchandizes, that by this act are lyable to pay impost or duty, shall be landed on any wharff or into any warehouse or other place but in the daytime only, and that after sunrise and before sunset, unless in the presence and with the consent of the commissioner or receiver, on pain of forfeiting all such wines, liquors, goods, wares and merchandizes, and the lighter, boat or vessel out of which the same shall be landed or put into any warehouse or other place.

[SECT. 7.] And if any person or persons shall not have and produce an invoice of the quantities of rum or liquors to him or them consigned, then the cask wherein the same is shall be gaged at the charge of the importer, that the quantity thereof may be known.

*And be it further enacted by the authority aforesaid,*

[SECT. 8.] That every merchant or other person importing any wines into this province, shall be allowed twelve per cent for leakage: *provided*, such wines have not been filled up on board; and that every hogshead, butt or pipe of wine that hath two third parts thereof leaked out shall be accounted for outts, and the merchant or importer to pay no duty or impost for the same. And no master of any ship or vessel shall suffer any wines to be filled up on board without giving a certificate of the quantity so filled, under his hand, before the landing thereof, to the commissioner or receiver of the impost in such port, on pain of forfeiting the sum of fifty pounds.

[SECT. 9.] And if it be made to appear that any wines, imported in any ship or vessel, be decayed at the time of unlading thereof, or in twenty days afterwards, oath being made before the commissioner or receiver that the same hath not been landed above that time, the duties and impost paid for such wines shall be repaid unto the importer thereof.

*And be it further enacted by the authority aforesaid,*

[SECT. 10.] That the master of any ship or vessel importing any wines, liquors, goods, wares or merchandize, shall be lyable to and shall pay the impost for such and so much thereof, contained in his manifest, as shall not be duly entred, nor the duty paid for the same, by the person or persons to whom such wines, liquors, goods, wares or merchandize are or shall be consigned; and it shall and may be lawful to and for the master of every ship or other vessel to secure and detain in his hands, at the owner's risque, all such wines, liquors, goods, wares or merchandize imported in any such ship or vessel, until he shall receive a certificate from the commissioner or receiver of the impost that the duty for the same is paid, and until he be repaid his necessary charges in securing the same; or such master may deliver such wines, liquors, goods, wares or merchandize as are not entred, unto the commissioner or receiver of the impost in such port, or his order, who is hereby empowered and directed to receive and keep the same, at the owner's risque, until the impost thereof, with the charges, be paid; and then to deliver such wines, liquors, goods, wares or merchandize as such master shall direct.

*And be it further enacted by the authority aforesaid,*

[SECT. 11.] That the commissioner or receiver of the impost in each port shall be and hereby is empowered to sue the master of any ship or vessel, for the impost or duty for so much of the lading of any wines, liquors, goods, wares and merchandizes imported therein, according to

the manifest by him to be given upon oath as aforesaid, as shall remain not entred and the duty of impost thereof not paid; and where the goods, wares or merchandize are such as that the value thereof is not known, whereby the impost to be recovered of the master for the same cannot be ascertained, the owner or person to whom such goods, wares or merchandize are or shall be consigned, shall be summoned to appear as an evidence at the court where suit for the impost and duty thereof shall be brought, and be there required to make oath to the value of such goods, wares or merchandizes.

*And be it further enacted by the authority aforesaid,*

[SECT. 12.] That the ship or vessel, with her tackle, apparel and furniture, the master of which shall make default in anything by this act required to be performed by him, shall be lyable to answer and make good the sum or sums forfeited by such master, according to this act, for any such default; as also to make good the impost or duty for any wines, liquors, goods, wares or merchandizes not entred as aforesaid; and, upon judgment recovered against such master, the said ship or vessel, or so much of the tackle or appurtenances thereof as shall be sufficient to satisfy said judgment, may be taken in execution for the same; and the commissioner or receiver of the impost is hereby impowred to make seizure of such ship or vessel, and detain the same under seizure until judgment be given in any suit to be commenced and prosecuted for any of the said forfeitures or impost, to the intent that, if judgment be rendred for the prosecutor or informer, such ship or vessel and appurtenances may be exposed for satisfaction thereof as is before provided, unless the owners, or some on their behalf, for the releasing of such ship or vessel from seizure or restraint, shall give sufficient security to the commissioner or receiver of the impost that seized the same, to respond and satisfy the sum or value of the forfeiture and duties, with charges, that shall be recovered against the master thereof, upon suit to be brought for the same as aforesaid; and the master occasioning such loss and damage unto his owners thrô his default or neglect, shall be lyable unto their action for the same.

*And be it further enacted,*

[SECT. 13.] That the naval officer within any of the ports of this province shall not clear or give passes to any master of any ship or other vessel outward bound, until he shall be certified by the commissioner or receiver of the impost that the duties and impost for the goods last imported in such ship or vessel are paid or secured to be paid; and the commissioner or receiver of the impost is hereby impowred to allow bills of store, to the master of any ship or vessel importing any wines or liquors, for such private adventures as shall belong to the master or seamen of such ship or other vessel at the discretion of the commissioner or receiver, not exceeding three per cent of the lading; and the duties payable by this act, for such wines or liquors in such bills of store mentioned and expressed, shall be abated.

*And be it further enacted by the authority aforesaid,*

[SECT. 14.] That all penalties and forfeitures accruing or arising by vertue of this act, shall be one half to his majesty for the uses and intents for which the aforementioned duties of impost are granted, and the other half to him or them that shall seize, inform and sue for the same, by action, bill, plaint or information, in any of his majestie's courts of record, wherein no essoin, protection or wager of law shall be allowed; the whole charge of prosecution to be taken out of the half belonging to the informer.

*And be it further enacted by the authority aforesaid,*

[SECT. 15.] That there shall be paid by the master of every ship or other vessel coming into any port or ports in this province to trade

or traffick, whereof all the owners are not belonging o this province (except such vessels as belong to Great Britain, the provinces or colonies of Pensilvania, West and East Jersey, New York, Connecticut, Rhode Island or New Hampshire), every voyage such ship or vessel do's make, the sum of two shillings and sixpence per tun, or one pound of good, new pistol-powder, for every tun such ship or vessel is in burthen: *saving* for that part which is owned in Great Britain, this province or any of the aforesaid governments (which is hereby exempted); to be paid unto the commissioner or receiver of the duties of impost and to be employed for the ends and uses aforesaid.

[SECT. 16.] And the said commissioner is hereby impowered to appoint a meet and suitable person to repair unto and on board any ship or vessel, to take the exact measure or tunnage thereof, in case he shall suspect that the register of such ship or vessel doth not express and set forth the full burthen of the same; the charge thereof to be paid by the master or owner of such ship or vessel before she be cleared, in case she appear to be of greater burthen, otherwise to be paid by the commissioner, out of the moneys received by him for impost, and shall be allowed him accordingly by the treasurer in his accompts. And the naval officer shall not clear any vessel until he be also certified by the said commissioner that the duty of tunnage for the same is paid, or that it is such a vessel for which none is payable by this act.

*And be it further enacted by the authority aforesaid,*

[SECT. 17.] That there be one fit person, and no more, nominated and appointed by this court as a commissioner and receiver of the aforesaid duties of impost and tunnage of shipping, and for the inspection, care and management of the said office and whatsoever relates thereunto, to receive commission for the same from the governour or commander-in-chief for the time being, with authority to substitute and appoint a deputy receiver in each port besides that wherein he resides, and to grant warrants to such deputy receivers for their said place, and to collect and receive the impost and tunnage of shipping aforesaid that shall become due within such port, and to render the accompts thereof, and pay in the same, to the said commissioner and receiver; which said commissioner and receiver shall keep fair books of all entries and duties arising by vertue of this act, also a particular accompt of every vessel, so that the duties of impost and tunnage arising on the said vessel may appear; and the same to lye open at all seasonable times to the view and perusal of the treasurer and receiver-general of this province, or any other person or persons whom this court shall appoint, with whom he shall account for all collections and payments, and pay in all such moneys as shall be in his hands, as the treasurer or receiver-general shall demand it. And the said commissioner and receiver and his deputy and deputies, before their entring upon the execution of the said office, shall be sworn to deal truly and faithfully therein, and shall attend in the office from nine to twelve of the clock in the forenoon, and from two to five of the clock in the afternoon.

[SECT. 18.] And the said commissioner and receiver, for his labour, care and expences in the said office, shall have and receive out of the province treasury the sum of seventy pounds per annum; and his deputy or deputies to be paid for their service such sum and sums as the said commissioner and receiver, with the treasurer, shall agree, upon reasonable terms, not exceeding thirty pounds each; and the treasurer is hereby ordered, in passing and receiving the said commissioner's accompts, accordingly, to allow the payment of such salary or salaries as aforesaid, to himself and his deputy or deputies.



*Provided,*

[SECT. 19.] That this act shall be and continue in force from the twenty-ninth day of this instant June, until the twenty-ninth day of June which will be in the year of our Lord one thousand seven hundred and twenty-eight and no longer. [*Passed June 26; published June 28.*]

# ACTS

PASSED AT THE SESSION BEGUN AND HELD AT BOSTON,  
ON THE SIXTEENTH DAY OF AUGUST, A.D. 1727.

## CHAPTER 16.

AN ACT FOR PREVENTING AND REMOVING OF ALL DOUBTS AND DISPUTES ABOUT WRITS, PROCESSES AND PRECEPTS ISSUED IN THE NAME AND STYLE OF HIS LATE MAJESTY KING GEORGE, OF BLESSED MEMORY, AND SUITS DEPENDING THEREON.

*Be it enacted and declared by the Lieutenant-Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

Writs and processes, &c., issued in the name and style of his late majesty King George, revived.

[SECT. 1.] That all writs and processes, original and judicial, and other precepts issued in the name and style of his late majesty King George, of blessed memory, and suits depending thereon, recognizances, indictments, presentments, and other matters and things not heard and determined, be and are hereby revived and continued, and shall stand and abide in full force, be pleaded, heard and proceeded on in the respective courts of justice within this province where they are, or were returnable, had or have day or days; the demise of his said late majesty notwithstanding.

Writs at his late majesty's suit revived.

[SECT. 2.] And that all writs and processes issued at his late majesty's suit, be and hereby are revived and continued, and shall abide and remain in full force, be heard and proceeded on in the respective courts of justice where the same are or were returnable, had, or have, day or days, the demise of his said late majesty notwithstanding.

*And be it further enacted and declared by the authority aforesaid,*

Writs, &c., to stand good to the courts discontinued.

[SECT. 3.] That all and all manner of pleas, writs, actions, suits, complaints, process, precepts, recognizances, indictments, presentments, and other things whatsoever, returnable, or that had day or days, in any of the superiour courts of judicature, courts of assize and general goal delivery, or in any of the inferiour courts of common pleas, or courts of general sessions of the peace within the respective count[ie][y]s, lately discontinued by not holding of the said courts on the days, and at the time, by law prefixed and directed, or continued by adjournment, or before any of his majest[y][ie]'s justices of the peace, be and hereby are revived, continued and adjourned over, and may be pleaded, heard and proceeded upon at the next sitting of the superiour court of judicature, court of assize and general goal delivery, by adjournment, or the next inferiour court of common pleas or court of general sessions of the peace, respectively, to be holden for and within the same county; or before any of his majesty's justices of the peace; and all parties that had day by any pleas, writs, bills, actions, suits, complaints, process, precepts, recognizances, or other thing or things whatsoever, at or in any of the said courts discontinued, shall, respectively, appear at such next court to be holden in and for the same county, under the penalty of forfeiting any bonds, obligations or recognizance for the appearance of

the said parties, or any other penalty that might have incurr'd on the said parties, for not appearing at any of the courts discontinued, as aforesaid, or continued by adjournment, if the same had been holden and kept.

*No, nevertheless,*

[SECT. 4.] That where any person or persons, principals in any bond, obligation or recognizance for appearance in any of the said discontinued court[s], or courts continued by adjournment, are removed and gone beyond sea, or out of this province, that shall not be returned before the sitting of such next court, to be held in and for the same county, it shall be in the power of the justices of such court, upon motion made in that behalf, to allow the continuance of any such bond, obligation or recognizance, to such further time as shall be necessary; that no person concerned may be surprized or unreasonably disadvantaged.

Saving for persons removed.

[SECT. 5.] And all actions and suits returnable to any of the inferior courts, revived or continued by adjournment, may be received and entred on the first day of such court's sitting by adjournment, as if they had been entred upon the day when the court should have sat by law.

Actions to be entered on the first day of the court's sitting.

*And be it further enacted and declared by the authority aforesaid,*

[SECT. 6.] That the writ for calling a general assembly, all writs, original and judicial, and other processes in the law, commissions, and other instruments wherein the regal st[yl]e is used, be made out in the name of his present majesty, King George the Second; that is to say, "George the Second, by the grace of God, of Great Britain, France and Ireland, king, defender of the faith, &c.;" and that the clerks of the several courts of justice, and others concerned in the making out writs, processes and other instrum[en]ts observe the same accordingly. [*Passed and published August 19.*]

Writs, &c., to be made out in the name and style of his majesty, King George the Second.

## CHAPTER 17.

### AN ACT TO PREVENT THE DESTRUCTION OF WILD FOWL.

**WHEREAS** the water-fowl of divers kinds, which were wont in former years, in great numbers, to frequent the maritime towns of this province, were of great service and benefit to the inhabitants, both for meat and feathers, but are now in great measure affrighted and driven away by many persons who have made use of floats or rafts, therein to go off, as well by night as by day, to shoot them at a distance from the shoar, upon the flats and feeding grounds, and from the land by night; which practices, if continued, are likely to have the ill effect to cause the fowl wholly to desert and disuse the said towns; for prevention whereof,—

*Be it enacted by the Lieutenant-Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

[SECT. 1.] That if any person or persons shall, at any time after one month from the publication of this act, make use of any float, raft or canoe any ways trimmed or dress'd up, wherewith, by day or by night, to approach and shoot at any water-fowl in any part of this province, or shoot at any such fowl by night, from the land, or out of any boat, canoe, float or other vessel, he or they so offending shall, each of them, forfeit and pay for the first offence, the sum of forty shillings to the informer, to be recover'd before one of his majestie's justices of the peace for the county where the fact shall be committed, and four

Preamble.  
1717-18, chap.  
10.

No person to shoot at fowl in any canoe, &c., dressed up.

Nor from the land in the night.

pounds for every offence afterwards, to be recover'd before the justices of the court of general sessions of the peace, by bill, plaint or information; the one half to the informer and the other half for the use of the poor of the town where the fact shall be committed.

Term of the  
act's continu-  
ance.

[SECT. 2.] This act to continue in force till the twenty-fourth day of August, one thousand seven hundred and thirty-two, and to the end of the session of the general assembly next after, and no longer.  
[*Passed August 29.*]

# ACTS

PASSED AT THE SESSION BEGUN AND HELD AT BOSTON,  
ON THE FOURTH DAY OF OCTOBER, A.D. 1727.

## CHAPTER 18.

AN ACT TO PREVENT COPARCENERS, JOINT TENANTS AND TENANTS  
IN COMMON, FROM COMMITTING STRIP AND WAST[E] UPON THE  
LANDS BY THEM HELD IN COMMON AND UNDIVIDED.

WHEREAS it often happens that persons having an interest or share Preamble.  
in lots of land not subdivided to and among the interested, do privately and without the knowledge of the rest, enter into and upon the same, cut down or carry away the trees for timber, and other valuable trees, or wood, or make other strip and wast[e] thereon, whereby the rest of the partners or interested are strip'd of their just rights and shares thereof; for prevention of the same for the future,—

*Be it enacted by the Lieuten[an]t-Govern[ou]r, Council and Represent[at]ives in General Court assembled, and by the authority of the same,*

[SECT. 1.] That from and after the publication of this act, no person or persons whatsoever, having a right or interest in any lot or lots of land not subdivided, but lying in common, shall or may fell, cut[t] down, destroy or carry away any trees for timber, or other trees, timber, wood or underwood whatsoever, standing, growing or lying on such lands, or make any other strip or wast[e] whatsoever, without first giving notice in writing under his or their hands, unto all the persons interested therein, or to his or their agents, factors or attorneys, forty days before hand, setting forth that he or they have occasion for, and shall enter upon and improve such lot or lots of land not-subdivided as afores[ai]d, under the like penalties and forfeitures as are provided by an act entitled, “An Act in addition to and for rendering more effectual an act made in the tenth year of the reign of King William the Third, act[u]led, ‘An Act for preventing of trespasses,’” to be recovered before any one of his maj[es]ty's justices of the peace, or in any of his maj[es]ty's courts of record within the county where such offence shall be committed (as the value of the damage may be), by action, bill, plaint or information, to be brought and prosecuted by any one or more of the persons interested, in the name and behalf of the rest (who are hereby authorized and empower'd so to do): one moiety of the afores[ai]d penalties and forfeitures to be to and for the use of such person or persons who shall inform and sue for the same, and the other moiety to and for the use and benefit of the rest of the proprietors or persons interested as aforesaid.

Coparceners,  
joint tenants  
and tenants in  
common, not  
to make strip,  
&c., without  
giving notice,  
&c.

Penalty.  
1726-27, chap. 3  
(1698, chap. 7,  
1727, chap. 8.)

*And whereas,* upon suits brought for the partition of lands, tenements Preamble.  
or hereditaments held in common as afores[ai]d, the party or parties against whom such suits are brought (who oftentimes have but a small interest therein) before a final judg[e]m[en]t can be obtained, and a division made of the same according to law, do frequently cut down,



destroy and carry away considerable quantit[ie][y]s of the wood, timber and trees growing on such land, and do otherwise hurt and damnify the same lands, tenements and hereditam[en]ts to the great prejudice of the rest of the owners thereof, especially where they are woodlands, who are without any remedy at the common law,—

*Be it therefore enacted by the authority aforesaid,*

[SECT. 2.] That when a writ[t] shall be brought and served at the suit of any one or more persons interested in any lot or lots of land, tenements or hereditaments, held in common or undivided, for a division and partition of the same, no person or persons whatsoever, having a right to or interest in any such lands, tenements or hereditaments, or holding any part or share of the same in common as afores[ai]d, whilst such suit is depending, shall or may fell, cut[t] down, destroy or carry away any trees, timber, wood or underwood whatsoever, standing, growing or lying on such lands, or shall otherwise hurt or damnify any such lands, tenements or hereditam[en]ts, until partition can be made of the same according to law, on pain that every person or persons so offending shall incur the like forfeitures and penalties provided in the afores[ai]d act, entitled, “An Act in addition to, and for rendering more effectual, an act made in the tenth year of the reign of King William the Third entit[u]led, ‘An Act for preventing of trespasses;’” to be recovered by the person or persons informing or suing for the same, in manner as aforesaid, to and for such uses as are before mention’d and declared: *provided always*, that the person or persons bringing forward such writ[t] shall prosecute the same to effect, and, after obtaining judg[e]m[en]t, shall cause execution to be served for partition of such estate, as soon as the law will admit thereof and it may conveniently be done.

*And be it further enacted by the authority afores[ai]d,*

[SECT. 3.] That in all offences against this act, the offender or offenders shall be liable to a conviction, in the same manner as is already provided in the act before mention’d. [*Passed October 14; published December 30.*]

## CHAPTER 19.

AN ACT FOR APPORTIONING AND ASSESSING A TAX OF SIX THOUSAND POUNDS; AND ALSO FOR APPORTIONING AND ASSESSING A FURTHER TAX OF TWO THOUSAND TWO HUNDRED SEVENTY-EIGHT POUNDS SIX SHILLINGS, PAID THE REPRESENTATIVES ANNO 1726.

WHEREAS the great and general court or assembly of the province of the Massachusetts Bay in New England, at their sessions in the years 1723 and 1724, did pass three several grants of taxes on polls and estates, as funds and security for the payment and drawing in several sums, in the bills of credit on this province ordered to be imprinted, repeated and issued out of the publick treasury, for the service of the government; that is to say, at their session held in the month of May, 1723,\* fourteen thousand pounds; at their session in May, 1724,† eleven thousand pounds; and at their session in November, 1724,‡ five thousand pounds; and at their session begun the twenty-third of November, 1726, the sum of two thousand two hundred seventy-eight pounds six shillings, paid the representatives; applied to the ends and uses in the said grants particularly enumerated and expressed; and, by the resolves of the courts that made the aforesaid grants, it was then

\* NOTES to 1723-24, resolve (a). † NOTES to 1724-25, resolve (a). ‡ *Ibid.*, resolve (b).

No person to make strip whilst suit for partition is depending.

Penalty.

Writ of partition to be prosecuted to effect.

Manner of conviction.

ordered that the said sum of thirty-two thousand two hundred seventy-eight pounds six shillings shall be apportioned and assessed and levied on polls, and estates both real and personal, within this province, according to such rules and in such proportion, upon the several towns and districts within the same, as shall be agreed on and ordered by this court in their present session; *wherefore*, for the ordering, directing and perfecting the said sum of eight thousand two hundred seventy-eight pounds six shillings, which, with the sum of twenty-four thousand pounds, by the duties of impost, tunnage of shipping and excise, together with the sum exceeding the last year's funds and received in, with the income of the bills let out, and the light-house, will make the sum of thirty-two thousand two hundred seventy-eight pounds six shillings, pursuant to the funds and grants aforesaid, which is unanimously approved, ratified and confirmed, (and in case the said sum of eight thousand two hundred seventy-eight pounds six shillings, together with the aforesaid incomes of the government and bills already received in, does not compleat and perfect the said sum of thirty-two thousand two hundred seventy-eight pounds six shillings, there is hereby granted unto his most excellent majesty, to make good any such deficiency, and for no other end or use whatsoever, a tax sufficient to make up the sum, whatsoever it may happen to be, to be levied upon polls, and estates both real and personal, within this province, according to such rules and in such proportion, upon the several towns and districts within the same, as shall be agreed on and ordered by the great and general court or assembly of this province at their session in May, 1728); we, his majesty's most loyal and dutiful subjects, the representatives in general court assembled, pray that it may be enacted.—

*And be it accordingly enacted by the Lieutenant-Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

[SECT. 1.] That each town and district within this province be assessed and pay, as such town's and district's proportion of the aforesaid sum of eight thousand two hundred seventy-eight pounds six shillings, the sums following; [*that is to say,*].—

IN THE COUNTY OF SUFFOLK.

PROVINCE TAX.			PAID THE REPRESENTATIVES.		SUM TOTAL.
Boston.	One thousand seventy-five pounds four shill [gs] [ings] and sixpence.	£1,075 4s. 6d.	Eighty-six pounds eight shill [gs] [ings].	£86 8s. 0d.	£1,161 12s. 6d.
Roxbury.	Sixty-one pounds.	61 0 0	Twenty-one pounds twelve shillings.	21 12 0	82 12 0
Dorchester.	Fifty-four pounds fourteen shillings.	54 14 0	Thirteen pounds twelve shillings.	13 12 0	68 6 0
Hingham.	Sixty-four pounds ten shillings.	62 10 0	Twenty-four pounds eighteen shillings.	24 18 0	87 8 0
Braintree.	Sixty-four pounds two shillings.	64 2 0	Twenty-one pounds twelve shillings.	21 12 0	85 14 0
Dedham.	Forty pounds four shillings.	44 4 0	Twenty-one pounds twelve shillings.	21 12 0	65 16 0
Medfield.	Forty pounds six shillings.	40 6 0	Fifteen pounds six shillings.	15 6 0	45 12 0
Medway.	Twenty pounds twelve shillings and sixpence.	20 12 6	Eleven pounds fourteen shillings.	11 14 0	32 6 6
Weymouth.	Forty-three pounds four shillings and sixpence.	43 4 6	Twenty-one pounds twelve shillings.	21 12 0	64 16 6
Milton.	Thirty-one pounds ten shillings.	31 10 0	Nineteen pounds sixteen shillings.	19 16 0	51 6 0
Hull.	Fourteen pounds fourteen shillings.	14 14 0		0 0 0	14 14 0
Wrentham.	Thirty-four pounds seventeen shillings and sixpence.	34 17 6	Twenty-four pounds.	24 0 0	58 17 6
Mendon and Ux- bridge.	Thirty-eight pounds fourteen shillings.	38 14 0	Twenty-four pounds.	24 0 0	62 14 0
Woodstock.	Twenty-nine pounds eight shillings.	29 8 0	Twenty-seven pounds twelve shillings.	27 12 0	57 0 0
Brookline.	Twenty-five pounds seven shillings.	25 7 0	Twenty-one pounds twelve shillings.	21 12 0	46 19 0
Needham.	Twenty pounds eleven shillings and sixpence.	20 11 6	Fourteen pounds eight shillings.	14 8 0	34 19 6
Sutton.	Seventeen pounds thirteen shillings.	17 13 0		0 0 0	17 13 0
Oxford.	Ten pounds six shillings.	10 6 0		0 0 0	10 6 0
Bellingham.	Ten pounds six shillings.	10 6 0		0 0 0	10 6 0
Walpole.	Ten pounds six shillings.	10 6 0		0 0 0	10 6 0
Stoughton.	Thirty-three pounds seven shillings and sixpence.	33 7 6	Eight pounds.	8 0 0	41 7 6

IN THE COUNTY OF ESSEX.

PROVINCE TAX.			PAID THE REPRESENTATIVES.		SUM TOTAL.
Salem.	One hundred fifty-five pounds six shillings and sixpence.	£155 6s. 6d.	Forty-seven pounds eight shillings.	£47 8s. 0d.	£202 14s. 6d.
Ipswich.	One hundred sixty-three pounds four shillings.	163 4 0	Forty-four pounds two shillings.	44 2 0	207 6 0
Newbury.	One hundred forty pounds one shilling.	140 1 0	Fifty-one pounds eighteen shillings.	51 18 0	191 19 0
Northstead.	One hundred thirty-five pounds five shillings.	135 5 0	Twenty-four pounds eighteen shillings.	24 18 0	160 3 0
Lynn.	Seventy-three pounds ten shillings.	73 10 0	Twenty-one pounds eighteen shillings.	21 18 0	95 8 0
Andover.	Seventy-four pounds four shillings and sixpence.	74 4 6	Twenty-six pounds fourteen shillings.	26 14 0	100 18 6
Beverly.	Fifty-eight pounds twelve shillings and sixpence.	58 12 6	Twenty-two pounds four shillings.	22 4 0	80 16 6
Rowley.	Fifty-four pounds two shillings.	54 2 0	Twenty-six pounds fourteen shillings.	26 14 0	80 16 0
Salisbury.	Forty-eight pounds four shillings and sixpence.	48 4 6	Twenty-eight pounds ten shillings.	28 10 0	76 14 6
Haverhill.	Fifty-eight pounds sixteen shillings.	58 16 0	Twenty-eight pounds ten shillings.	28 10 0	87 6 0
Gloucester.	Seventy pounds twelve shillings.	70 12 0	Twenty-six pounds fourteen shillings.	26 14 0	97 6 0

	£28 4s. 6d.	£26 14s. 0d.	£54 18s. 6d.
Topsfield, . . . . .	Twenty-eight pounds four shillings and sixpence,	Twenty-six pounds fourteen shillings,	Twenty-six pounds fourteen shillings,
Buxford, . . . . .	Twenty-seven pounds ten shillings,	Twenty-four pounds eighteen shillings,	Twenty-four pounds eighteen shillings,
Ambsay, . . . . .	Forty-three pounds fourteen shillings,	Twenty-eight pounds twelve shillings,	Twenty-eight pounds twelve shillings,
Bratford, . . . . .	Thirty pounds four shillings and sixpence,	Twenty-six pounds fourteen shillings,	Twenty-six pounds fourteen shillings,
Wenham, . . . . .	Twenty-six pounds eight shillings,	Twenty-six pounds fourteen shillings,	Twenty-six pounds fourteen shillings,
Manchester, . . . . .	Eleven pounds fifteen shillings and sixpence,	Twenty-six pounds fourteen shillings,	Twenty-six pounds fourteen shillings,
Methuen, . . . . .	Eight pounds sixteen shillings and sixpence,	Twenty-six pounds fourteen shillings,	Twenty-six pounds fourteen shillings,

## IN THE COUNTY OF MIDDLESEX.

	£48 13s. 6d.	£13 16s. 0d.	£62 9s. 6d.
Cambridge, . . . . .	Forty-eight pounds thirteen shillings and sixpence,	Thirteen pounds sixteen shillings,	Thirteen pounds sixteen shillings,
Charlestown, . . . . .	One hundred pounds five shillings,	Thirty-nine pounds twelve shillings,	Thirty-nine pounds twelve shillings,
Watertown, . . . . .	Fifty-two pounds fourteen shillings and sixpence,	Eighteen pounds,	Eighteen pounds,
Concord, . . . . .	Seventy-three pounds fourteen shillings,	Twenty-four pounds eighteen shillings,	Twenty-four pounds eighteen shillings,
Weston, . . . . .	Twenty-three pounds ten shillings and sixpence,	Twenty-one pounds twelve shillings,	Twenty-one pounds twelve shillings,
Woburn, . . . . .	Twenty-two pounds fourteen shillings,	Twenty-four pounds eighteen shillings,	Twenty-four pounds eighteen shillings,
Reading, . . . . .	Fifty-five pounds,	Twenty-one pounds twelve shillings,	Twenty-one pounds twelve shillings,
Sudbury, . . . . .	Fifty-eight pounds twelve shillings,	Twenty-six pounds fourteen shillings,	Twenty-six pounds fourteen shillings,
Marlborough and Southborough, . . . . .	Sixty-one pounds six shillings,	Twenty-six pounds fourteen shillings,	Twenty-six pounds fourteen shillings,
Lexington, . . . . .	Thirty-five pounds five shillings and sixpence,	Nineteen pounds sixteen shillings,	Nineteen pounds sixteen shillings,
Newton, . . . . .	Forty-six pounds eighteen shillings,	Twenty-one pounds twelve shillings,	Twenty-one pounds twelve shillings,
Malden, . . . . .	Forty-nine pounds thirteen shillings,	Twenty-one pounds twelve shillings,	Twenty-one pounds twelve shillings,
Chelmsford, . . . . .	Fifty pounds,	Twenty-one pounds twelve shillings,	Twenty-one pounds twelve shillings,
Billerica, . . . . .	Forty-nine pounds six shillings and sixpence,	Twenty-four pounds eighteen shillings,	Twenty-four pounds eighteen shillings,
Shelburn, . . . . .	Twenty-one pounds fourteen shillings,	Twenty-six pounds fourteen shillings,	Twenty-six pounds fourteen shillings,
Holliston, . . . . .	Eleven pounds six shillings,	Twenty-one pounds eighteen shillings,	Twenty-one pounds eighteen shillings,
Westborough, . . . . .	Thirteen pounds four shillings and sixpence,	Twenty-one pounds eighteen shillings,	Twenty-one pounds eighteen shillings,
Groton, . . . . .	Thirty-two pounds eighteen shillings and sixpence,	Twenty-four pounds twelve shillings,	Twenty-four pounds twelve shillings,
Lancaster, . . . . .	Thirty-seven pounds six shillings,	Twenty-four pounds twelve shillings,	Twenty-four pounds twelve shillings,
Frammingham, . . . . .	Thirty-five pounds fourteen shillings and sixpence,	Twenty-four pounds twelve shillings,	Twenty-four pounds twelve shillings,
Medford, . . . . .	Seventeen pounds thirteen shillings,	Twenty-six pounds fourteen shillings,	Twenty-six pounds fourteen shillings,
Stow, . . . . .	Twenty-three pounds ten shillings and sixpence,	Twenty-six pounds fourteen shillings,	Twenty-six pounds fourteen shillings,
Worcester, . . . . .	Thirteen pounds four shillings and sixpence,	Twenty-six pounds fourteen shillings,	Twenty-six pounds fourteen shillings,
Dunstable, . . . . .	Ten pounds six shillings,	Twenty-six pounds fourteen shillings,	Twenty-six pounds fourteen shillings,
Dracut, . . . . .	Eleven pounds fifteen shillings and sixpence,	Twenty-six pounds fourteen shillings,	Twenty-six pounds fourteen shillings,
Stonham, . . . . .	Sixteen pounds ten shillings,	Twenty-six pounds fourteen shillings,	Twenty-six pounds fourteen shillings,
Lowester, . . . . .	Seven pounds seven shillings,	Twenty-six pounds fourteen shillings,	Twenty-six pounds fourteen shillings,
Littleton, . . . . .	Seventeen pounds thirteen shillings,	Four pounds four shillings,	Four pounds four shillings,

## IN THE COUNTY OF MIDDLESEX—Continued.

	PROVINCE TAX.	PAID THE REPRESENTATIVES	SUM TOTAL.
Hopkinton, . .	Five pounds seventeen shillings and sixpence, . . . . .	£5 17s. 6d.	£0 0s. 0d.
Rutland, . .	Two pounds nineteen shillings, . . . . .	2 19 0	0 0 0
Shrewsbury, . .	Seven pounds seven shillings, . . . . .	7 7 0	0 0 0

## IN THE COUNTY OF HAMPSHIRE.

Springfield, . .	Seventy-three pounds ten shillings, . . . . .	£73 10s. 0d.	£32 2s. 0d.	£105 12s. 0d.
Northampton, . .	Fifty-seven pounds three shillings, . . . . .	57 3 0	32 2 0	89 5 0
Hadley, . .	Thirty-three pounds thirteen shillings, . . . . .	33 13 0	27 18 0	61 11 0
Bathfield, . .	Twenty-seven pounds ten shillings, . . . . .	27 10 0	10 4 0	37 14 0
Westfield, . .	Twenty-nine pounds three shillings and sixpence, . . . . .	29 3 6	27 18 0	57 1 6
Sufield, . .	Thirty-two pounds two shillings and sixpence, . . . . .	32 2 6	29 8 0	61 10 6
Enfield, . .	Twenty-five pounds nine shillings and sixpence, . . . . .	25 9 6	12 0 0	37 9 6
Deerfield, . .	Sixteen pounds three shillings and sixpence, . . . . .	16 3 6	30 12 0	46 15 6
Brookfield, . .	Fourteen pounds fourteen shillings, . . . . .	14 14 0	0 0 0	14 14 0
Sunderland, . .	Five pounds seventeen shillings and sixpence, . . . . .	5 17 6	0 0 0	5 17 6
Northfield, . .	Five pounds seventeen shillings and sixpence, . . . . .	5 17 6	0 0 0	5 17 6
Brimfield, . .	Five pounds seventeen shillings and sixpence, . . . . .	5 17 6	0 0 0	5 17 6

## IN THE COUNTY OF PLYMOUTH.

Plymouth, . .	Fifty-eight pounds one shilling, . . . . .	£58 1s. 0d.	£26 8s. 0d.	£84 9s. 0d.
Plymouth, . .	Twenty-seven pounds eighteen shillings and sixpence, . . . . .	27 18 6	23 14 0	51 12 6
Scituate, . .	Seventy-eight pounds eleven shillings and eightpence, . . . . .	78 11 8	22 14 0	101 5 8
Bridgewater, . .	Sixty-six pounds twelve shillings and sixpence, . . . . .	66 12 6	24 18 0	91 0 6
Marshfield, . .	Forty-nine pounds fifteen shillings, . . . . .	49 15 0	22 16 0	72 11 0
Pembroke, . .	Twenty-two pounds seventeen shillings and sixpence, . . . . .	22 17 6	22 10 0	45 7 6
Duxborough, . .	Twenty-seven pounds eighteen shillings and sixpence, . . . . .	27 18 6	24 18 0	52 16 6
Middleborough, . .	Thirty-five pounds six shillings, . . . . .	35 6 0	26 14 0	62 0 0
Rochester, . .	Thirty-five pounds sixteen shillings and sixpence, . . . . .	35 16 6	0 0 0	62 10 6
Abington, . .	Seven [teen] pounds eighteen shillings, . . . . .	17 18 0	0 0 0	17 18 0
Kingston, . .	Fifteen pounds twelve shillings, . . . . .	15 12 0	0 0 0	15 12 0
Hanover, . .	Eighteen pounds six shillings and fourpence, . . . . .	18 6 4	4 10 0	22 16 4



## IN THE COUNTY OF BRISTOL.

		£47	1s. 6d.		£29	14s. 0d.	£76	15s. 6d.
Bristol, .	Forty-seven pounds one shilling and sixpence, .	72	13 0	Twenty-nine pounds fourteen shillings, .	19	10 0	92	3 0
Taunton, .	Seventy-two pounds thirteen shillings, .	20	13 0	Nineteen pounds ten shillings, .	20	14 0	41	7 0
Norton, .	Twenty pounds thirteen shillings, .	18	7 0	Twenty pounds fourteen shillings, .	0	0 0	18	7 0
Easton, .	Eighteen pounds seven shillings, .	79	14 0	Thirty pounds twelve shillings, .	30	12 0	110	6 0
Dartmouth, .	Seventy-nine pounds fourteen shillings, .	31	15 6	Twenty-four pounds six shillings, .	24	6 0	56	1 6
Dighton, .	Thirty-one pounds fifteen shillings and sixpence, .	75	4 6	Twenty-four pounds twelve shillings, .	24	12 0	116	16 6
Relodath, .	Seventy-six pounds four shillings and sixpence, .	60	6 0	Thirty pounds twelve shillings, .	30	12 0	90	18 0
Little Compton, .	Sixty pounds six shillings, .	51	18 6	Twenty-four pounds eighteen shillings, .	24	18 0	76	16 6
Swainsay and She-	Fifty-one pounds eighteen shillings and sixpence, .	27	1 6	Eighteen pounds, .	18	0 0	45	1 6
waney, .	Twenty-seven pounds one shilling and sixpence, .	23	19 6	Twenty-four pounds eighteen shillings, .	24	18 0	48	17 6
Tiverton, .	Twenty-three pounds nineteen shillings and sixpence, .	32	15 6	Twenty-four pounds eighteen shillings, .	24	18 0	57	13 6
Freetown, .	Thirty-two pounds fifteen shillings and sixpence, .	17	13 6	Twenty-four pounds eighteen shillings, .	0	0 0	17	13 6
Attleborough, .	Seventeen pounds thirteen shillings and sixpence, .							
Barrington, .								

## IN THE COUNTY OF BARNSTABLE.

		£81	1s. 0d.		£15	12s. 0d.	£96	13s. 0d.
Barnstable, .	Eighty-one pounds one shilling, .	49	3 6	Fifteen pounds twelve shillings, .	12	18 0	62	1 6
Yarmouth, .	Forty-nine pounds three shillings and sixpence, .	51	10 0	Twelve pounds eighteen shillings, .	23	14 0	75	4 0
Sandwich, .	Fifty-one pounds ten shillings, .	54	5 6	Twenty-three pounds fourteen shillings, .	20	14 0	74	19 6
Eastham, .	Fifty-four pounds five shillings and sixpence, .	26	6 6	Twenty pounds fourteen shillings, .	22	4 0	48	10 6
Turo and Prov-	Twenty-six pounds six shillings and sixpence, .	35	6 6	Twenty-two pounds four shillings, .	24	0 0	59	6 6
inctown, .	Thirty-five pounds six shillings and sixpence, .	20	10 0	Twenty-four pounds, .	0	0 0	20	10 0
Harewich, .	Twenty pounds ten shillings, .	14	14 0	Twenty-four pounds, .	0	0 0	14	14 0
Falmouth, .	Fourteen pounds fourteen shillings, .							
Chatham, .								

## IN THE COUNTY OF YORK.

		£47	1s. 0d.		£29	8s. 0d.	£76	9s. 0d.
York, .	Forty-seven pounds one shilling, .	64	7 0	Twenty-nine pounds eight shillings, .	13	4 0	77	11 0
Kittery and Sholes, .	Sixty-four pounds seven shillings, .	26	8 0	Thirteen pounds four shillings, .	25	16 0	52	4 0
Burwick, .	Twenty-six pounds eight shillings, .	20	8 0	Twenty-five pounds sixteen shillings, .	0	0 0	26	8 0
Wells, .	Twenty-six pounds eight shillings, .							

IN THE COUNTY OF YORK—Continued.

PROVINCE TAX.		£11 15s. 0d.	PAID THE REPRESENTATIVES. Eighteen pounds eighteen shillings,	£18 18s. 0d.	SUM TOTAL. £30 13s. 0d.
Falmouth, .	Eleven pounds fifteen shillings, .	. . . . .	. . . . .	. 0 0 0	7 7 0
Bideford, .	Seven pounds seven shillings, .	. . . . .	. . . . .	. 0 0 0	4 8 0
Arundell, .	Four pounds eight shillings, .	. . . . .	. . . . .	. 0 0 0	2 19 0
Scarborough, .	Two pounds nineteen shillings, .	. . . . .	. . . . .	. 0 0 0	

IN DUKE'S COUNTY.

Edgartown, .	Twenty-three pounds nine shillings, .	£23 9s. 0d.	Twenty-seven pounds six shillings, .	£27 6s. 0d.	£50 15s. 0d.
Chilmark, .	Thirty-eight pounds three shillings, .	38 3 0	. . . . .	. 0 0 0	38 3 0
Tisbury, .	Eleven pounds ten shillings, .	11 10 0	. . . . .	. 0 0 0	11 10 0

IN NANTUCKET COUNTY.

Sherbourn, .	Seventy-six pounds two shillings, .	£76 2s. 0d.	Twenty-eight pounds sixteen shillings, .	£28 16s. 0d.	£104 18s. 0d.
Amounting in the whole to the sum of eight thousand two hundred seventy-eight pounds six shillings, . . . . .					
				£3,278 6s. 0d.	

*And be it further enacted by the authority aforesaid,*

[SECT. 2.] That the treasurer do forthwith send out his warrants, directed to the selectmen or assessors of each town or district within this province, requiring them, respectively, to assess the sum hereby set upon such town and district, in manner following; that is to say, to assess all rateable male polls above the age of sixteen years, at thirty pence per poll, and proportionably in assessing the said additional sum received out of the treasury for the payment of the representatives (except the governour, lieutenant-governour and their families, the president, fellows and students of Harvard College, settled ministers and grammar-school masters, who are hereby exempted as well from being taxed for their polls, as for their estates being in their own hands and under their actual management and improvement, and other persons (if such there be) who, through age, infirmity or extream poverty, in the judgment of the assessors, are not capable to pay towards publick charges, they may except their polls and so much of their estates as, in their prudence, they shall think fit and judge meet, (and the justices, in general sessions in the respective counties assembled, in granting a county tax or assessment, are hereby ordered and directed to apportion the same on the several towns in such county in proportion to their province rate, exclusive of what has been paid out of the publick treasury to the representative of such town for his service, and the assessors of each town in the province are also directed, in making any assessment, to govern themselves by the same rule); and all estates, both real and personal, lying within the limits and bounds of such town or district, or next unto the same, not paying elsewhere, in whose hand, tenure, occupation or possession soever the same is or shall be found, and income by trade or faculty which any person or persons (except as before excepted) do or shall exercise in gaining, by money or other estate not particularly otherways assessed, or commissions of profit in their improvement, according to their understanding and cunning, at one penny on the pound; and to abate or multiply the same, if need be, so as to make up the sum hereby set and ordered for such town or district to pay; and, in making their assessments, to estimate houses and lands at six years' income of the yearly rents whereat the same may be reasonably set or let for in the places where they lye: *saving* all contracts betwixt landlord and tenant, and where no such contract is, the landlord to reimburse one-half of the tax set upon such houses and lands; and to estimate Indian, negro and molatto servants, proportionably, as other personal estate, according to their sound judgment and discretion: as also to estimate every ox of four years old and upwards, at forty shillings; every cow of three years old and upwards, at thirty shillings; every horse and mare of three years old and upwards at forty shillings; every swine of one year old and upwards, at eight shillings; every sheep and goat of one year old and upwards, at three shillings: likewise requiring the assessors to make a fair list of the said assessment, setting forth, in distinct columns, against each particular person's name, how much he or she is assessed at for polls, and how much for houses and lands, and how much for personal estate and income by trade or faculty; and the list or lists so perfected and signed by them, or the major part of them, to commit to the collectors, constable or constables of such town or district, and to return a certificate of the name or names of such collector, constable or constables, together with the sum total to each of them, respectively, committed, unto himself, sometime before the last day of November next.

[SECT. 3.] And the treasurer for the time being, upon the receipt of such certificate, is hereby impowred and ordered to issue forth his warrants to the collector, constable or constables of such town or district,

requiring him or them, respectively, to collect the whole of each respective sum assessed on each particular person, before the last day of March next; and of the inhabitants of the town of Boston, to collect their proportion sometime in the month of January foregoing; and to pay in their collection, and issue their accompts of the whole, at or before the last day of May next, which will be in the year of our Lord one thousand seven hundred and twenty-eight.

*And be it further enacted by the authority aforesaid,*

[SECT. 4.] That the assessors of each town and district, respectively, in convenient time before their making the assessment, shall give reasonable warning to the inhabitants in a town meeting, or in posting up notifications in some place or places in such town or district, or otherwise to notify the inhabitants to give or bring in to the assessors true and perfect lists of their polls and rateable estates; and if any person or persons shall neglect or refuse so to do, or bring in a false list, it shall be lawful to and for the assessors to assess such person or persons, according to their known ability in such town, in their sound judgment and discretion, their due proportion to this tax, as near as they can, agreeable to the rules herein given, under the penalty of twenty shillings for each person that shall be convicted by legal proof, in the judgment of the assessors, in bringing in a false list; the said fines to be for the use of the poor of such town or district where the delinquent lives, to be levied by warrant from the assessors, directed to the collector or constable, in manner as is directed for gathering town assessments, and to be paid in to the town treasurer or selectmen for the use aforesaid: *saving* to the party agrieved at the judgment of the assessors in setting forth such fine, liberty of appeal therefrom to the court of general sessions of the peace within the county, for relief, as in case of being overrated.

[SECT. 5.] And if the party be not convicted of any falseness in the list by him presented of polls, rateable estate or income by any trade or faculty which he doth or shall exercise in gaining, by money at interest or otherwise, or other estate not particularly assessed, such list shall be a rule for such person's proportion to the tax, which the assessors may not exceed.

*And whereas*, thro' scarcity of the bills of credit, it may be more easy for some persons to pay their taxes in the produce of the province than in bills of credit,—

*Be it therefore enacted,*

[SECT. 6.] That the inhabitants of this province shall have liberty (if they see fit) to pay the several sums that shall be on them, respectively, assessed by virtue of this act, in the several species hereafter mentioned, being of the growth, produce or manufacture of this province, at such rates and prices as the same are hereafter set at, to be paid into the publick treasury; that is to say, in good merchantable beef at three pounds per barrel; good merchantable barrel-pickled pork at five pounds ten shillings per barrel; winter wheat at eight shillings, and summer wheat at seven shillings, per bushel: barley at six shillings per bushel; rye at six shillings per bushel; Indian corn at four shillings per bushel; oats at two shillings and sixpence per bushel; flax at sixteenpence per pound; good merchantable hemp, according to law, at ninepence per pound; bees-wax at two shillings and sixpence per pound; pease, clear of buggs, at nine shillings per bushel; firkin butter, good and sweet, at twelpence per pound; dry hides at sixpence per pound; tann'd leather at twelpence per pound; merchantable dry codd at thirty shillings per quintal; mackrel, in barrels, at thirty shillings per barrel; oyl at two pounds ten shillings per barrel; whalebone, of six foot long and upwards, at three shillings and sixpence

per pound; bayberry-wax at sixteen pence per pound; turpentine, full bound, at thirteen shillings per hundred weight; merchantable bar iron at forty-eight shillings per hundred; cast iron of potts and kettles, suitably sorted and not too heavy, being merchantable ware, at forty-eight shillings per hundred; well cur'd tobacco at fourpence per pound; and good try'd tallow at eightpence per pound: which species shall be received by the treasurer, of the several constables or collectors, at the prices they are respectively set at as aforesaid, and by him disposed of to the best advantage, for the calling in so many of the said bills into the treasury again as shall be paid by vertue of this act in any of the species before mentioned.

[SECT. 7.] And if any loss shall happen by the sale of any of the aforesaid species, or any other unforeseen accident shall arise, that such deficiency shall be made good by a tax of the year one thousand seven hundred and twenty-eight, so as fully and effectually to compleat the payment of the whole sum of bills ordered to be called in as aforesaid.

*And be it further enacted by the authority aforesaid,*

[SECT. 8.] That the inhabitants of each respective town or district, in a regular meeting, shall be allowed and impowered by vote to determine the prices at which the several species aforesaid shall be received by the constable or collector from any of the inhabitants thereof, at such reasonable rates there, so as to make a sufficient allowance for the transportation of such species to the province treasury.

*And forasmuch* as, oftentimes, sundry persons not belonging to this province bring considerable trade and merchandize, and by reason that the tax or rate of the town where they come to trade and traffick is finished and delivered to the constables or collectors, and, before the next year's assessment are gone out of the province, and so pay nothing towards the support of the government, tho in the time of their residing here they reap considerable gain by trade, and had the protection of the government,—

*Be it therefore enacted by the authority aforesaid,*

[SECT. 9.] That when any such person or persons shall come and reside in any town in this province for the space of twenty days, and bring any merchandize, and trade and deal therewith, the assessors of such town are hereby impowered to rate and assess all such persons according to their circumstances, pursuant to the rules and directions in this act provided, tho' the former rate may have been finished, and the new one not perfected as aforesaid; and the constables or collectors are hereby enjoined to levy and collect all such sums committed to them, and pay the same into the town treasury. [*Passed October 14.*]

NOTES.—There were three sessions of the General Court which assembled May 31, 1727. The session beginning October 4, is called, in the records, the fourth session; but this must be an error, unless the meeting of the Assembly upon the sixth of June, after an adjournment of three days, may be properly considered the commencement of a new session. This Court was dissolved Oct. 14, and writs were issued for a new Assembly to meet upon the twenty-second day of the following November.

The engrossments of all the acts of this year are preserved, except of chapters 17 and 19: all were printed, however, including the two chapters last named; the latter of which was printed separately, and not with the sessions acts.

On the ninth of January, 1727-28, all the foregoing acts, except chapters 15, 18 and 19, were submitted, by order of the Board of Trade, to Mr. Fane, for his opinion thereupon. Mr. Fane reported, February 20, 1727-28, that he had no objection to them in point of law, and, November 4, following, he made a similar report upon chapters 18 and 19, which had been sent to him on the fourth of July, 1728.

Chap. 16. "August 30, 1727. In the House of Representatives The following Question was put upon the Act for preventing & removing of all Doubts about Writts, Processes, & Precepts issued in the Name & Style of His late Majesty King George; viz.—Whether Executions issued before the News of His late Majestys Demise & not yet served are still



in Force & the proper officers have Power to serve the same without alteration? Resolved in the Affirmative & that the Law ought so to be understood.

In Council; Read & Concur'd;—  
—*Council Records, vol. XIII., p. 430.*

Consented to, WM DUMMER."

*Chap. 19.* "Oct. 5. 1727 In the House of Represent<sup>ves</sup> RESOLVED that a Tax of Six Thousand Pounds be levied upon Polls & Estates both Real & Personal within this Province upon the several Towns & Districts within the Same, to be levied, collected & paid into the publick Treasury on or before the last Day of December next coming, either in publick Bills of Credit or in the Produce of the Province, in such Species & at such Rates & Prices as shall be set thereon respectively by the Great & General Court or Assembly in their present Session And that a Bill be prepared & brought in accordingly as soon as may be.

In Council; Read & Concur'd."  
—*Council Records, vol. XIII., p. 435.*

(a.) "June 29. 1727. In the House of Represent<sup>ves</sup> RESOLVED that the Treasurer be & hereby is impowered & directed to issue forth & emit the Sum of Sixteen Thousand Pounds in Bills of Credit on this Province for the necessary Defence & Support of this Governm<sup>t</sup> & the Protection & Preservation of the Inhabitants thereof (The said Sixteen Thousand Pounds being already in the Hands of the Treasurer & received for Taxes, Impost &c.) To be issued & disposed of by Warrant under the Hand of the Govern<sup>r</sup> or Commander in Chief for the Time being with the Advice & Consent of the Council, Fifteen Thousand five Hundred Pounds thereof shall be applied for the Uses, Intents & Purposes in this Resolve hereafter express'd; Viz. For the Payments of all Grants, Premiums & Stipends established by Law, for the defraying & paying the Charge of Castle William & the other Forts & Garrisons, Muster Rolls of Soldiers & Sailors, Allowances &c. and all other Accompts of Charges allowed and pass'd on for Payment by this Court, And that the Sum of Five Hundred Pounds (being the Residue & remaining Part of the said sixteen Thousand Pounds) shall be applied for the Payment of Expresses dispatch'd in the Service of this Governm<sup>t</sup> in the Recess of this Court together with all necessary unforeseen Charges that demand prompt Payment which shall arise in the Recess of the Court as aforesaid, *Provided always* that the several Draughts made on the Treasurer as aforesaid express & declare out of which of the two sev<sup>l</sup> Sums afore mentioned the Money is to be paid; And the said Bills shall pass out of the Treasury at the Value therein express'd equivalent to Money & shall be so taken & accepted in all publick Payments; And that the Duties of Impost & Excise together with all other publick Incomes be a Fund & Security for the Payment & Drawing in the said Bills into the Treasury again, so far as the same will reach; And as a further Fund & Security for the same; It is further RESOLVED that there be & hereby is granted unto His most Excellent Majesty for the Ends & Uses aforesaid, & for no other Ends & Uses whatsoever a Tax of Six Thousand Pounds to be levied upon Polls & Estates both Real & Personal within this Province, according to such Rules & in such Proportion upon the several Towns & Districts within the same as shall be Agreed on & Ordered by the Great & General Court or Assembly of this Province at their Session in May One Thousand seven Hundred & thirty five & paid into the Treasury on or before the last Day of Decem<sup>r</sup> next after;—And as a further Fund & Security for the same; It is further RESOLVED that there be & hereby is granted unto His most Excellent Majesty for the Ends and Uses aforesaid, And for no other Ends & Uses whatsoever, a Tax of Ten Thousand Pounds to be levied upon Polls & Estates both Real & Personal within this Province, according to such Rules & in such Proportion upon the several Towns & Districts within the same as shall be agreed on & Ordered by the Great & General Court or Assembly of this Province at their Session in May One Thousand seven Hundred & thirty six & brought into the Treasury on or before the last Day of December next after.

And whereas it may be then difficult thro' the Scarcity of Bills of Credit for Persons to convert the Produce of their Lands into Bills & pay their Rates in them;

It is further ORDERED that the Inhabitants of this Province shall have Liberty, if they see Cause, to pay the several Sums that shall be on them respectively assessed in the several Species hereafter mentioned at such moderate Rates and Prices as the Great & General Assembly shall set them at: Viz<sup>t</sup> In good Barrel Beef & Pork, Wheat, Barley, Rye, Indian Corn, Oats, Flax, Hemp, Bees Wax, Pease, Butter in Firkins, Cheese, Hides, Tanned Leather, Dry Fish, Mackeril in Barrels, Oyl, Whale Bone, Bay berry Wax, Tallow, Pitch, Tar & Turpentine; Which Species shall be received by the Treasurer of the several Constables or Collectors & by him disposed of to the best Advantage for the calling in of the said Bills into the Treasury again; And if any Loss shall happen by the Sale of the aforesaid Species, or any other unforeseen Accident shall arise, That said Deficiencies shall be made good by a Tax of the Year next following, so as fully & effectually to draw in the whole Sum of Bills emitted as afores<sup>d</sup>.

In Council; Read & Concur'd;  
—*Council Records, vol. XIII., p. 373.*

Consented to, WM DUMMER."

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ACTS,  
PASSED 1727-28.

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# ACTS

PASSED AT THE SESSION BEGUN AND HELD AT BOSTON,  
ON THE TWENTY-SECOND DAY OF NOVEMBER,  
A.D. 1727.

## CHAPTER 1.

AN ACT IN ADDITION TO AN ACT ENTITLED "AN ACT FOR HIGHWAYS."

WHEREAS, in and by an act made and pass'd in the fifth year of the reign of King William and Queen Mary, entituled "An Act for highways," provision is made to empower the selectmen of each town respectively, either by themselves or others, to lay out particular or private ways for such town only, as may be thought necessary, but no provision is made what methods shall be taken in order to bring them to record, so that there seems to be apparent danger of such ways being laid out and committed to record without the knowledge of the town or towns respectively, w<sup>h</sup>i<sup>c</sup>h hath and may prove of very ill consequence; for remedy whereof,—

Preamble.  
1693-4, ch. 8,  
§ 4.

*Be it enacted by the Lieuten<sup>a</sup>n<sup>t</sup>-Govern<sup>o</sup>ur, Council and Represent<sup>a</sup>tives, in General Court assembled, and by the authority of the same,*

[SECT. 1.] That when and so often as the selectmen, or any by their order, for the future, shall lay out any private or particular way or ways in and for any town or towns within this province, such selectmen shall make report to the town in which such ways are laid out, at their annual town meeting in March, notice of which report shall be inserted in the warrant for calling such meeting; and no such way or ways shall be esteem'd establish'd private ways for such town, nor committed to record, unless such town, at a town meeting warned as aforesaid, shall by a major vote allow and approve thereof.

Notice to be given the towns, of private ways, in March meeting.

All private ways to be allowed by the town.

*And be it further enacted by the authority aforesaid,*

[SECT. 2.] That it shall be in the power of any town or towns within this province, at a legal town meeting, to alter or discontinue any particular or private way or ways within their respective towns, which have been heretofore laid out and improved as such, when it shall appear to such town or towns that they are unnecessary for the common good; and all such particular or private ways, after so ordered by the major vote of such town or towns respectively, to be discontinued or alter'd, shall no longer be esteem'd as particular or private ways for such town or towns: *saving, always,* to any person or persons who shall be aggrieved or damnified by the altering, discontinuing or laying out of any such way or ways as aforesaid, a liberty of applying for remedy to the justices of the general sessions of the peace within the county where such alterations or layings out are made: who are hereby empowered and directed to inquire into and determine the matter by a jury thereunto appointed, as well with respect to the necessity and convenience by such discontinuance, laying out or alteration as aforesaid,

Private ways may be altered by the town.

Saving a liberty of appeal.

as to the damage that may happen or accrue to any particular person or persons thereby, and thereupon to award damages to the party or parties injured, against such town, unless it appears that such particular person or persons have no just cause of complaint; that then such particular person or persons shall pay all such cost and charge as shall or may arise by any such application to the sessions: *provided*, such application be made to such justices at their general sessions of the peace, within twelve months after such ways are altered or discontinued as aforesaid, and not otherwise; any law, usage or custom to the contrary notwithstanding. [*Passed January 5; published February 1, 1727-28.*]

Application to be made within a year.

## CHAPTER 2.

### AN ACT FOR THE MORE SAFE AND EASY PROSECUTING WRITS OF TRESPASS AND EJECTMENT.

Preamble.

WHEREAS sometimes the defendants in actions of trespass and ejectment are arrested and held to great and excessive bail, where no just cause can be for it, and sometimes the plaintiffs have their writs abated, and the tryal of their right unreasonably delayed, under pretence that all the tenants are not sued; for prevention whereof,—

*Be it enacted by the Lieutenant-Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

In writs of trespass and ejectment, only the defendant's bond to be required.

[SECT. 1.] That whensoever any person shall be arrested upon a writ of trespass and ejectment, the defendant's own bond, and no other, shall be required for his appearance to answer the same.

Defendants to answer for no more than they are in possession.

[SECT. 2.] And whenever any person or persons shall be sued in ejectment for any lands, tenements or hereditaments, they shall be holden to answer for so much or such part of the premises demanded as they then hold or are in possession of, which they shall distinguish and set forth by their plea, and disclaim in the rest; and if any of them disclaims in the whole, and the plaintiff cannot prove his the defendant's possession of the premises, or any part thereof, he shall recover his costs; any law, usage or custom to the contrary hereof in anywise notwithstanding. [*Passed December 26.*]

## CHAPTER 3.

### AN ACT IN FURTHER ADDITION TO THE SEVERAL ACTS RELATING TO TRESPASSES.

Preamble.

1698, chap. 7.

1723-24, chap.

30.

1726-27, chap. 3.

1727, chap. 8.

WHEREAS the several acts or laws already made for the preventing of trespasses have been found ineffectual for that purpose in some cases, so that a further provision is necessary to be made,—

*Be it therefore enacted by the Lieutenant-Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

No persons to damnify any mill-dam, mill-pond, frames, cellars, &c.

That no person or persons do or shall presume to take up, break down or damnify any dam or dams, made use of for the inclosing of water improved for the benefit of any mill or mills, flowing or drowning of swamp or other lands or meadows, or let out the water so inclosed, or obstruct, hinder or stop the natural and usual course of any stream of water running from any pond used and improved for the supplying any mill or mills with water; either by stopping or shutting



down the sluice of such dam, or by wilfully erecting, setting up or making any dam or other incumbrance across any stream or run of water (having no right or privile[d]ge so to do) belonging to any other person or persons, and where he or they have a lawful right between his or their pond and mill : or shall cut[t], [pull] down, burn, damnify, carry away or destroy any mill or frame of a mill, flood, or any of the timber, boards or implements used in and about the same ; or shall pull down, cut[t], destroy, or any ways damnify any edifice, building or house not inhabited, frame or timber of any such building, cellar or well, being the property or in the possession of any other person or persons ; on pain that every person or persons offending against this act, or any part thereof, or that shall be aiding or assisting therein, shall for every such offence or trespass forfeit and pay to the party or part[ie][y]s so injured or trespassed upon, treble the value of all such damages as such party or part[ie][y]s shall make appear to the justice, or court and jury, before whom the tryal shall be, that he or they have sustained by any breach of this act ; to be sued for and recovered in any court proper to try the same, after the same manner of conviction, and by the same rules and methods as is directed and provided in and by an act entitled, “ An Act in addition to and for rendring more effectual an act made in the tenth year of the reign of King William the Third, entitled, ‘ An Act for preventing of trespasses,’ ” made in the twelfth year of the reign of his late majesty King George ; any law, usage or custom to the contrary notwithstanding. [*Passed January 19 ; published February 1, 1727-28.*]

Penalty.

Manner of conviction.  
4 Mass. 146.  
1726-27, chap. 3.

## CHAPTER 4.

### AN ACT IN ADDITION TO AN ACT INTITLED “AN ACT FOR ENLARGING THE FEES OF GRAND JURORS.”

WHEREAS the stated allowance for a grand juror, according to an act made and passed in the sixth year of his late majesty King George the First, intituled, “ An Act for enlarging the fees of grand jurors,” is but three shillings per diem, which is so small that the same will not defray his necessary charges and expences in travelling to, and attendance at, court,—

Preamble.  
1719-20, chap.  
13.

*Be it therefore enacted by the Lieutenant-Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

That from henceforward the allowance of a grand juror during his attendance on the court, and also for his necessary travel to and from the same, be one shilling per diem, over and above the aforesaid allowance, accounting five miles for half a day’s travel, and ten miles for a whole day, and so *pro rato*, but no allowance to be made to any person for less than half a day’s travel. [*Passed January 12, 1727-28.*]

Allowance for grand jurors.

## CHAPTER 5.

AN ACT IN FURTHER ADDITION TO AN ACT INTITLED "AN ACT IN ADDITION TO THE ACT FOR THE BETTER OBSERVATION AND KEEPING THE LORD'S DAY," MADE AND PASSED AT A GREAT AND GENERAL COURT OR ASSEMBLY HELD AT BOSTON THE SEVENTH OF NOVEMBER, 1716, IN THE THIRD YEAR OF THE REIGN OF HIS LATE MAJESTY KING GEORGE THE FIRST.

Preamble.  
1716-17, chap.  
13.

NOTWITHSTANDING the many good and wholesom laws made to prevent the prophanation of the Lord's day, some wicked and evil disposed persons do yet presume to do unnecessary work, take their recreation and sport and travel on the said day; for the more effectual preventing such vile and unlawful practices,—

*Be it enacted by the Lieutenant-Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

Penalty for  
working or  
playing on the  
Lord's day.  
9 Allen, 119.

[SECT. 1.] That whosoever shall for the future, contrary to the said act, do or exercise any labour, work or business of his or their ordinary calling, or use any game, sport, play or recreation on the Lord's day, or on any part thereof, shall forfeit and pay the sum of fifteen shillings; and upon a second conviction the sum of thirty shillings, and give bond, with sureties for their good behaviour, to the next court of general sessions of the peace in the county where the said offence is committed; and that all persons that for the future shall travel contrary to the said act, shall for the first offence forfeit and pay the sum of thirty shillings; and upon a second conviction, the sum of three pounds, and give bond with sureties for the good behaviour as aforesaid. And in case any of the offenders mentioned in this act shall be unable or refuse to pay and satisfy their fines, they shall be adjudged to stand committed in the common goal of the county not exceeding the space of five days, or set in the cage or stocks not exceeding four hours, according to the discretion of the court or justices before whom such conviction may be.

Preamble.

*And whereas* the solemnizing of funerals on the Lord's day oftentimes occasions great prophanation thereon, by servants and children gathering in the streets, and walking up and down to and from the funerals, and is the means of many disorders and irregularities then committed; for remedy whereof,—

*Be it further enacted by the authority aforesaid,*

No funerals to  
be solemnized  
on the Lord's  
day without  
license.

[SECT. 2.] That, from and after the publication of this act, no funeral shall be attended on the Lord's day, or evening following, except, in extraordinary cases, where the corps, by reason of the excessive heat of the season, may prove offensive if not buried, or for some such like reason, liberty be granted therefor by one or more of his majestie's justices of the peace living in such town where the funeral is to be performed, or if there be no justice in such town, then by the selectmen or the major part of them, who shall certify under their hands, setting forth the reason therefor, to the several sextons or grave-diggers; and whoever shall presume to permit and direct any funeral on the Lord's day without liberty as aforesaid, shall forfeit and pay the sum of forty shillings; and every grave-digger or sexton that shall, by himself or order, be any ways assisting at any funeral, contrary to this act, shall forfeit and pay the sum of twenty shillings.

Penalty.

Preamble.

*And whereas* the laws now in force for the observation of the Lord's day do not empower the justices, constables, tythingmen, or other officers, to inspect the houses of retailers of strong drink, as it doth the taverners, innholders or common victuallers, on the Lord's day and the evening preceding and following the said day, by reason whereof great

resort, at such times; is made to such houses of retailers of strong drink; wherefore, for the better finding out and discovering persons that shall be drinking or tipping at any retailers' houses, out-houses, yards or dependencies thereof,—

*Be it enacted by the authority aforesaid,*

[SECT. 3.] That the justices of the peace, constables, tythingmen, and all other officers appointed for that purpose, be and hereby are fully authorized to enter and search the houses of retailers, in as large, full and ample manner as they may do the houses of common victuallers, innholders and taverners, the evening preceding the Lord's day, any part of the said day, or evening following; and if any retailer of strong drink shall entertain or suffer any of the inhabitants of the respective towns where they dwell, or others, not being strangers or lodgers in such houses, to abide in their houses, yards, out-houses or dependencies, drinking or idly spending their time, on Saturday night after the sun is set, on the Lord's day, or the evening following, shall forfeit and pay the sum of five shillings for every person found in such houses contrary to this act: and that the like sum of five shillings shall be paid by every person so found and entertained in such house or houses, contrary to this act.

Officers empowered to inspect retailers' houses on the Lord's day, &c.

Penalty for retailer's entertaining persons on the Lord's day, &c.

*And whereas*, there are differing apprehensions touching the beginning of the Sabbath or Lord's day; in order, therefore, for the more quiet and orderly observation of the Lord's day, and to prevent any indecencies and disorders,—

*Be it further enacted,*

[SECT. 4.] That all persons be and hereby are strictly forbidden swimming in the water, unnecessary walking or riding in the streets, lanes or highways or common field of the town of Boston, and all other towns or places within this province, keeping open their shops or warehouses, or following their secular occasions, the evening preceding the Lord's day, or evening following, on penalty that every person transgressing in any of the aforementioned particulars, shall, for the first offence, forfeit and pay the sum of ten shillings; and, for the second conviction, the sum of twenty shillings, and give bond, with sureties, for the good behaviour, as in this act is already provided; and, in case any of the offenders shall be unable or unwilling to pay such fines, then to be punished as in this act is already provided: all fines and forfeitures arising by this act to be disposed of, one half thereof for the benefit and relief of the poor of such town where the offence is committed, the other half to him or them that shall inform and sue for the same.

Penalty for unnecessary walking, riding, keeping open shops, &c., on the evening before and after the Lord's day.

[SECT. 5.] And all his majesty's justices, sheriffs, grand jurors, tythingmen and constables are hereby directed to take due care that this law, and the several parts thereof, be observed and kept; and it is further recommended to the justices of the court of assize and general goal delivery, and the justices of the peace in the several counties, in their general sessions, at the opening of their respective courts, immediately before the charge is given, to cause this act to be publicly read in courts; and that they then give it in special charge to the grand jury, that they diligently inquire after the violaters of this law, and present all breaches thereof; any law, usage or custom to the contrary thereof notwithstanding. [Passed December 27.]

This act to be read in the courts.

## CHAPTER 6.

AN ACT IN ADDITION TO AN ACT ENTITLED “AN ACT RELATING TO STRAYS AND LOST GOODS, &c.”

*Be it enacted by the Lieutenant-Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

Fee for entering lost goods, strays, &c.  
1698, chap. 9.

Such entries to be sent to the register of the county.

Register's fee.

Penalty for asking greater fees.

1692-3, chap. 37.

Penalty for town clerk or register's neglect of duty.

Persons to take up stray beasts.

Charges to be allowed without appraising the stray.

Proviso.

[SECT. 1.] That the fee or allowance to be paid the town clerk, for entering any lost money, goods or strays, shall be, henceforward, one shilling over and above the fee allowed him by an act, made in the tenth year of King William the Third, relating to strays and lost goods, &c.; and such town clerk shall be obliged, once every two months, to transmit to the register of deeds, in the county where he lives, an attested copy, under his hand, of all entr[ie][y]s that shall be made with him of any lost money, goods or strays, and shall pay to the register sixpence for each copy of an entry, to be transmitted to him as aforesaid; and the register shall keep a book, wherein he shall record all entr[ie][y]s transmitted to him by the town clerk, as aforesaid, and give out cop[ie][y]s of the same, when desired, taking the fee of sixpence for each copy, and no more; and for searching his record, twopence, and no more. And if any town clerk or register shall demand and take any greater or other fees than are before mentioned, for the matters aforesaid, or any of them, and be thereof convicted before any court of record in the county where the offence shall be committed, he shall be subject and liable to the same penalt[ie][y]s that are enjoined by “An Act for regulating fees,” made in the fourth year of King William and Queen Mary, chapter eighteen,\* for persons transgressing as is therein mentioned.

*And be it further enacted by the authority aforesaid,*

[SECT. 2.] That if any town clerk or register shall neglect or fail of doing their duties, respectively, as by this act is provided and directed (their respective fees in this act mentioned being tender'd to them), he or they shall, for every such neglect, forfeit and pay, as a fine, a sum not exceeding forty shillings; one half thereof to the use of the poor of the town wherein such town clerk or register, respectively, dwells, and the other half to him or them that shall inform and sue for the same, before any of his majestie's justices of the peace in the same county.

*And be it further enacted by the authority aforesaid,*

[SECT. 3.] That it shall and may be lawful for any person or persons to take up any horse, gelding, mare or other beast, for a stray, and account and take care of them as strays (the owner thereof being not known), from the first day of November to the first day of March yearly; and such person shall be allowed his reasonable charge[s] about the same, altho[ugh] he does not proceed to procure an appraise-ment thereof, as by law is provided, for the space of two months next after the finding and taking up such stray beast: *provided*, the finder and taker up of such stray beast do attend the directions of the law in all other respects, relating to strays, and do not ride or otherwise improve such stray beast, until the same be appraised in manner as by law is already directed; any law, usage or custom to the contrary notwithstanding. [*Passed January 24; published February 1, 1727-28.*]

\* So numbered in the edition of 1726.

## CHAPTER 7.

## AN ACT IN ADDITION TO THE SEVERAL ACTS FOR THE SETTLEMENT AND SUPPORT OF MINISTERS.

WHEREAS in and by an act made and pass[ed] the fourth and fifth years of the reign of King William and Queen Mary entit[u]led “An Act for explaining and altering some clauses and sentences, and repealing some others, contained in several acts made and pass[ed] the second session of this court in October last, 1692,” it is, among other things, enacted, “that each respective gathered church in any town or place within this province that at any time shall be in want of a minister, such church shall have power, according to the directions of the word of God, to chuse their own minister; and the major part of such inhabitants as do there usually attend on the public worship of God, and are by law duly qualified for voting in town affairs, concurring with the church’s act, the person thus elected and approved accepting thereof and settling with them shall be the minister, towards whose settlement and maintenance all the inhabitants and ratable estates lying within such town, or part of a town, or place limited by law for upholding the public worship of God, shall be obliged to pay in proportion;” and, altho’ it is found by experience that the said provision for the settlement and support of ministers is of great benefit and necessity for encouragement of the ministers of the gospel, and for maintaining peace and good order in the several towns and precincts in this province, yet, forasmuch as it may so happen, for want of some limitations and qualifications in the said act, that some persons who conscien[t][c]iously profess themselves to be of the church of England, and to differ in opinion from the discipline and form of worship used in the respective churches settled by law within the towns, parishes or precincts where they reside, may be under difficulties by being obliged to pay for the support of the minister settled according to law, altho’ they give no attendance on his public administrations, but they and their families usually attend the public worship of God according to the manner of the church of England, either within their own or some neighbouring town, parish or precinct,—

*Be it therefore enacted by the Lieutenant-Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

[SECT. 1.] That all persons who profess themselves to be of the church of England, and usually attend the public worship of God according to the manner of that church, and those who are of the churches established by the laws of this province that live in the bounds of any town, parish or precinct allowed by this court, shall be taxed for the support of the ministry in such town, parish or precinct where they respectively reside, in the same manner and by the same rule and proportion as is or shall be by law provided; but if it so happen that there be a society of the church of England, where there is a person in orders according to the rules of the church of England settled and abiding among them and performing divine service, within five miles of the habitation or usual residence of any person professing himself as aforesaid of the church of England, so that he can conveniently and doth usually attend the public worship there, then and in such case the collector or collectors of such town, parish or precinct, having first indifferently levied the tax as abovesaid, and paid the same to the treasurer of the town, parish or precinct, respectively, such treasurer shall deliver or cause to be delivered the said taxes, collected

Preamble  
1692-3, chap. 29.  
1692-3, chap. 46.  
and,—  
1702, chap. 10.  
1706-7, chap. 9.  
1715-16, chap. 17.  
1722-23, chap. 4.  
1723-24, chap. 14.

Tax of persons  
attending at the  
Church of Eng-  
land, to be paid  
their own min-  
ister.



Minister of the Church of England empowered to recover the tax of his hearers.

Parishes to make good their minister's tax in case of deficiency.

This act not to extend to Boston, &c.

Limitation.

of such person declaring himself and attending as aforesaid (after the same hath been ascertained by the assessors of such town, parish or precinct), unto the minister of the church of England as aforesaid; which minister shall have full power to receive, and if need be, to recover the same in the law, in order to his support in the place assigned to him.

*Always provided,*

[SECT. 2.] That if any deficiency shall happen by the said payment [of] [to] the minister of the church of England as aforesaid, in the salary which any of the towns, parishes or precincts, respectively, within this province, have covenanted and agreed to pay the ministers of the churches therein by law established, that then and in every such case, the said towns, parishes and precincts, respectively, shall, within the space of two months next after such deficiency happening, make good the same; and the parishioners of the church of England, professing and attending as aforesaid, are hereby excused from paying any taxes for the building meeting-houses for the use of the present established churches within this government; any law, usage or custom to the contrary notwithstanding.

*Provided,*

[SECT. 3.] That nothing contained in this act shall extend to the town of Boston or any other town, parish or precinct within this province where the minister or ministers are or shall be supported by a free contribution or subscription.

[SECT. 4.] This act to continue in force for the space of five years from the publication thereof, and no longer. [*Passed December 19; published December 30.*]

## CHAPTER 8.

AN ACT FOR THE BETTER ENABLING TOWNS AND PRECINCTS DULY AND SEASONABLY TO PAY THEIR MINISTERS, SCHOOL-MASTERS AND OTHER NECESSARY CHARGES ARISING THEREIN.

Preamble.  
1692-3, chap. 28,  
§ 4.

WHEREAS, at a session of the great or general court or assembly begun and held at Boston the eighth day of June, 1692, in the fourth year of the reign of King William and Queen Mary, and continued by adjournment to the thirteenth day of October following, the freeholders and inhabitants of the several and respective towns within this province, in any town meeting orderly warned, or the major part so assembled, are impowred from time to time to make and agree upon rules and orders for the directing, managing and ordering the prudential affairs of their towns, as they shall judge most conducive to the peace, welfare and good order thereof; and the selectmen are also impowred to assess the inhabitants, and others residents in the towns and the precincts thereof, in just and equal proportions, to county charges and to all town charges, for such sum and sums as shall be ordered, granted and agreed upon from time to time by the inhabitants in any town meeting regularly assembled, or the major part of those present, for the maintenance and support of the ministry, schools and poor, and for defreying other necessary charges within the said towns; *and whereas*, at a session of the great and general court or assembly begun and held at Boston the thirty-first day of May, 1699, and continued, by several prorogations, until Wednesday the thirteenth of March following, in the twelfth year of the reign of the late King William the Third, an act directing how rates or taxes to be granted by the general assem-

1690-1700, chap.  
28, § 9.

bly shall be assessed and collected, was made and passed; in which act or law is the following paragraph: "that all county and town rates and assessments shall be apportioned by the selectmen or assessors of the several towns and precincts within this province, upon the inhabitants and estates within the same, according to the rule that shall from time to time be prescribed and set by act of the general assembly for the apportioning and assessing of the publick taxes that shall be granted unto his majesty in that same year; and such selectmen or assessors shall be under the like obligation of the oath administred to them for making of the publick tax, equally and impartially to proportion such county or town assessment by the same rules;" which last above-recited paragraph in a great measure tends to weaken and break in upon the powers, rights, liberties and privileges given the several towns by the aforesaid act, pass'd the fourth year of the reign of King William and Queen Mary, which not only prevents his majestie's good subjects, the freeholders and other the inhabitants of the several towns within this province, in promoting and effecting many good and wholesom rules for the benefit and weal of the said towns, but hath occasioned several hardships and inconveniences by being abridged seasonably to supply the town treasurer or receivers with money to pay and discharge their just debts to those employed in the service of the aforesaid towns, to their hurt and damage; for remedy whereof, and that the several towns within this province may have and enjoy the full and uninterrupted exercise of the powers, rights and privileges so well adapted and established for their good and benefit,—

*Be it enacted by the Lieutenant-Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

[SECT. 1.] That when and so often as any town or precinct within this province shall think fit to raise any sum or sums of money, for such ends and uses as shall be agreed upon pursuant to law by the freeholders and inhabitants lawfully warned to convene, or the major part of those present, and then and at all such times the selectmen or assessors of the several towns and precincts within this province, shall apportion such sum or sums upon the inhabitants and estates of such towns and precincts according to the last rule prescribed and set by act of the general assembly, for the apportioning and assessing the publick taxes.

County, town and precinct taxes to be apportioned according to the last rule for the public tax.

*Provided,*

[SECT. 2.] That, at the time of raising such sum or sums, no rule shall be given by the general court for assessing the publick taxes as aforesaid; any law, usage or custom to the contrary thereof notwithstanding.

Proviso.

*Provided, also,*

[SECT. 3.] That this act continue in force to the end of the session of the general assembly in May, 1730, and no longer. [*Passed to be engrossed January 11, 1727-28.*]

Limitation.

## CHAPTER 9.

### AN ACT FOR THE RELIEF OF POOR PRISONERS FOR DEBT.

WHEREAS, by the law of this province, no provision is made for the support of prisoners for debt who have not wherewithal to subsist themselves in prison, whereby such prisoners may greatly suffer in goal; for prevention whereof,—

Preamble.  
1698, chap. 11.  
1706-7, chap. 2.  
1725-26, chap. 9.

*Be it enacted by the Lieutenant-Governour, Council and Represent-  
[atives in General Court assembled, and by the authority of the same,*

[SECT. 1.] That when any person stands committed for debt or damages, upon execution, and shall complain that he or she hath not estate sufficient to support him- or herself in prison, the goaler or keeper of such prison shall be obliged, without delay, to carry the body of such prisoner before the next justice of the peace; and in case such prisoner, before such justice, shall take an oath to this effect; viz.,—

Oath of a pris-  
oner for debt.

I, A. B., do upon my oath solemnly profess and declare before Almighty God, that I have not any estate, real or personal, in possession, reversion or remainder, sufficient to support myself in prison, or to pay prison charges; and that I have not, directly or indirectly, sold, leased or otherwise conveyed, disposed of or intrusted all or any part of my estate, thereby to secure the same, to receive or expect any profit or advantage thereof, to defraud or deceive any creditor or creditors whatsoever, to whom I stand indebted.

Prisoner, on  
such oath, to be  
set to work, &c.

—that then, after the prisoner's taking such oath, the keeper is hereby directed and empower'd to set the prisoner to work in the prison or the dependencies thereof; and out of his or her earnings, to receive six shillings per week for his or her diet for the space of three months; and the remainder thereof (if any there be) to be to and for the use of the prisoner.

*And be it further enacted by the authority aforesaid,*

Justice to give  
a certificate in  
writing.

[SECT. 2.] That the justice before whom such oath shall be taken, shall, within forty days next after taking the same, give a certificate thereof in writing, under his hand and seal, to the same prisoner, to be served on such person or persons, his or her execut[o]rs or administ[rato]rs, their agent or attorney, or to be left at the usual place of the abode of such person or persons at whose suit the prisoner standeth charged or imprisoned.

*Provided, always,—*

*And be it further enacted by the authority aforesaid,*

Creditor to  
maintain the  
prisoner, in  
case;

[SECT. 3.] That when such prisoner or prisoners for debt shall have legally taken the oath in this act proposed to be taken, and shall have duly certified his or their creditor or creditors thereof, as aforesaid, if such creditor or creditors, within the said three months from taking the oath as aforesaid, shall make no discovery of any estate of such prisoner or prisoners, nor disprove the said oath, that then the said creditor or creditors shall, at his or their own cost and charges, allow and pay weekly to the said prisoner or prisoners four shillings per week for each prisoner, towards his or their support, while he or they are detained in prison; and upon non-payment of the same, weekly, said prisoner or prisoners shall be set at liberty; any law, usage or custom to the contrary notwithstanding.

—or prisoner to  
be set at liberty.

*Provided, also,*

Penalty of the  
jailer upon re-  
fusal to set the  
prisoner at  
liberty.

[SECT. 4.] That if the goaler or keeper of any prison shall refuse or delay to discharge and set at liberty any prisoner, contrary to the true intent and meaning of this act, every such goaler or keeper of prison shall forfeit and pay to such prisoner detained contrary to this act, the sum of twenty pounds, to be recover'd by action of debt, in any court of record proper to try the same; and also shall be subject to such fine and punishment as the court of general sessions of the peace, upon complaint made to them, shall order and award.

*Provided, nevertheless,*

Single persons  
to satisfy the  
debt by service.

[SECT. 5.] That if any creditor shall desire to have his or her debtor (being able of body to labour, not having a husband, wife or family) to satisfy such debt by service, the justices at the general sessions of the peace within the same county, shall direct and order the term for which such debtor shall serve; and the creditor is hereby empowered to detain and hold him in service during such term.

*Provided also,*

[SECT. 6.] That this act shall not extend to any person or persons Proviso. in execution for any fine on him or her imposed, not having a wife, husband or family.

[SECT. 7.] This act to continue and be in force for the space of two Limitation. years from the publication thereof, and no longer. [*Passed December 28; published December 30.*]

## CHAPTER 10.

AN ACT FOR PREVENTING UNNECESSARY EXPENCE OF TIME IN THE ATTENDANCE OF PETIT JURORS, ON THE SEVERAL COURTS OF JUSTICE, AND FOR THE ENLARGING THEIR FEES, AND THE ALLOWANCE TO WITNESSES IN CIVIL CAUSES.

WHEREAS the fee already allowed by law to the petit jury for each verdict is thirteen shillings, and the allowance to witnesses in civil causes, for their attendance, travel and expences, is but two shillings *per diem*, which allowances are so small that the same will by no means defray their charges; and *inasmuch* as jurors are oftentimes detain'd at the tryal and hearing of cases which do not come to them, by reason of the agreement of the parties, abatement of the writ, or that the plaintiff or appellant, for some failure, discontinues his suit or becomes nonsuit, and frequently (especially in the inferior courts of common pleas) judgment is entred up against the defendants by default; by means whereof great part of the juries' time is unnecessarily taken up; for which they have no allowance by law, and yet are obliged to give their attendance during the whole time of the court's sitting, until the actions are gone through and finished; wherefore,—

*Be it enacted by the Lieutenant-Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

[SECT. 1.] That the fee or allowance to be paid to the petit jury, be henceforward nineteen shillings for each verdict, as well in criminal as civil causes, whereof two shillings and sixpence shall be to the foreman, and one shilling and sixpence apiece to the other jurors; and that in the inferior court of common pleas, and court of general sessions of the peace to be held in the county of Suffolk, the petit jurors shall not be obliged to give their attendance before the third day of the court's sitting; and in the counties of Essex, Middlesex, Hampshire, Plymouth, Barnstable, Bristol, York and Dukes county, in the inferior court of common pleas, and court of general sessions of the peace, to be there held, the petit jurors shall not be obliged to give their attendance till the second day of the court's sitting; to the end that the said courts may proceed upon and determine all pleas in bar and abatement of writs, and all such actions as will not be committed to the jury, so that their time and attendance be not unnecessarily taken up and delayed; and that, in the superiour court of judicature, court of assize and general goal delivery, to be held in the several counties of this province, the petit jurors be not obliged to give their attendance until the second day of the court's sitting (except in the counties of Hampshire and York, where they shall attend as heretofore), that so the said courts may in like manner proceed and finish all such actions, and other matters and things whereof the jurors have no cognizance; and the clerks of the respective courts aforesaid, are hereby ordered and directed in making out writs of *venire facias* for the choice of petit jurors, to give directions accordingly.

Preamble  
1701-2, chap. 5  
§ 6.  
1716-17, chap.  
17, § 2.

Fee for petit  
jurors.

Time of jurors'  
attendance at  
the respective  
courts, &c.



*And be it further enacted by the authority aforesaid,*

No action to be entered after the first day.

Pleas in bar and abatement, when to be made.

Pleas in bar and abatement after default.

[SECT. 2.] That no action be entred after the first day of the court's sitting; and that all pleas in bar and abatement, arising on the writ, be either enter'd thereon, or filed with the clerk of the court, before the jury be impanel'd; and that if the defendant in any action suffer a default, and shall afterwards come into court and move for a tryal of his case, and be admitted thereto, and make pleas in bar or abatement of the writ, before he be allowed to make such pleas, he shall pay to the clerk, for the use of the jurors attending such court, twelve shillings, to be equally divided among them.

*And be it further enacted by the authority aforesaid,*

Allowance to witnesses.

[SECT. 3.] That witnesses in civil causes shall be allowed and paid by the party serving them with *subpœna*, the sum of three shillings *per diem* each, which shall be accounted due satisfaction to any witness for his travel, expences and attendance, accounting ten miles travel to a day; any law, usage or custom to the contrary in any wise notwithstanding.

Continuance of this act.

[SECT. 4.] This act to continue in force for the space of five years from the publication thereof. [*Passed, to be engrossed by the Representatives, December 28.\**]

## CHAPTER 11.

### AN ACT IN ADDITION TO AN ACT ENTITLED "AN ACT TO PREVENT INCESTUOUS AND CLANDESTINE MARRIAGES."

Preamble.  
1695-6, chap. 2,  
§ 4.

WHEREAS, in and by an act made and pass[e]d in the seventh year of King William the Third, entit[u]led "An Act to prevent incestuous and clandestine marriages," it is, among other things, enacted that no justice of the peace or minister shall presume to join any persons in marriage "without certificate produced, under the hand of the clerk of the several towns where the parties respectively dwell, that the names and intention of the parties have been enter'd with him fifteen days beforehand, and that due publication of such their intention has been made in manner as by law is directed," &c.; but sometimes it so happens that persons who purpose marriage, live or reside in towns or places where there are no town clerks,—

*Be it therefore enacted by the Lieuten[an]t-Governour, Council and Represent[ati]ves in General Court assembled, and by the authority of the same,*

Where there is no town clerk, the clerk of the next town to enter marriages.

That in every such town or place where there is or shall be no town clerk, when any of the inhabitants shall desire marriage, they shall produce a certificate, from the clerk of the town next adjoining, that the names and intentions of the said persons have been entered with him fifteen days beforehand, and that due publication of such their intention or purpose of marriage hath been made in the town where said town clerk dwells, that then and in such case it shall and may be lawful for any justice of the peace or ordain'd minister, within their respective limits, to join any such persons in marriage; and such town clerk is hereby directed to set up such notifications and give such certificates, and shall be, and hereby is, in all respects, subjected to the same pains and penalties, upon his neglect, that any other town clerk is by law subjected to for neglecting his duty in observing the laws relating to marriage; any law, usage or custom to the contrary notwithstanding. [*Passed January 16; published February 1, 1727-28.*]

Penalty.

\* No record of the final passage of this act, or of the date of the Lieutenant-Governor's signature thereto, has been discovered.



## CHAPTER 12.

AN ACT IN ADDITION TO AN ACT ENTITLED "AN ACT TO ENABLE EXECUTORS AND ADMINISTRATORS TO PROSECUTE AND DEFEND ANY SUITS THAT ARE DEPENDING OR HEREAFTER SHALL DEPEND UPON APPEAL, WHEREIN THE TESTATOR OR INTESTATE WAS OR SHALL BE APPELLANT OR APPELLEE."

FORASMUCH as in and by an act made and pass'd in the thirteenth year of his late majesty King George the First, entit[u]led "An Act to enable executors and administ[rato]rs to prosecute or defend any suits that are depending or hereafter shall depend upon appeal, wherein the testator or intestate was or shall be appellant or appellee," no provision is made but only for the relief of executors or administ[rato]rs in such suits as are depending upon appeal; w[hic]h hath been found insufficient, for that, oftentimes, upon the continuance of actions, as well in the inferior court of common pleas as in the superior court of judicature, the plaintiff, complainant or informer, or the defend[an]t is taken away by death, pending such action or suit, before a final judg[e]m[en]t can be obtain[e]d; by reason whereof sundry inconveniencies have happen'd,—

*Be it therefore enacted by the Lieuten[an]t-Governour, Council and Represent[ati]ves in General Court assembled, and by the authority of the same,*

[SECT. 1.] That when any action or suit is or shall be depending either in the inferior court of common pleas or in the superior court of judicature, in any of the counties in this province, and it so happens that either party be taken away by death before a final judg[e]m[en]t, the execut[o]r or execut[o]rs, administ[rato]r or administ[rato]rs of such dec[ease]d party, who was plaintiff, complainant, informer or defend[en]t, shall have full power to prosecute or defend any such suit or action as shall be depending at the death of the testator or intestate, from court to court, until definitive judg[e]m[en]t or sentence; and the defend[en]ts or appellees are hereby obliged to answer to such actions accordingly; and the justices as well of the inferior court of common pleas as of the superior court of judicature, before whom such cases are triable and depending, are hereby impowered and directed to observe the same method of proceeding in hearing, trying and determining such cases, and of entering up judg[e]m[en]t and awarding execution thereupon as in and by the aforementioned act is directed in cases depending upon appeal.

*And be it further enacted by the authority aforesaid,*

[SECT. 2.] That when any goods or estate shall be attach[e]d or bail given upon any writ[t] or process that shall be depending as aforesaid, the same shall not be released or discharged by means of the death of either party, but be held good to respond the judg[e]ment to be given on such writ[t] or process, in the same manner as by law they would have been if such dec[ease]d party had been living; any law, usage or custom to the contrary notwithstanding. [Passed January 18; published February 1, 1727-28.]

Preamble.  
1727, chap. 6.

Executors and administrators empowered to prosecute or defend in actions depending, &c.  
3 Mass. 298.

Attachments not to be voided by the death of the person.

## CHAPTER 13.

AN ACT IN ADDITION TO AN ACT ENTITLED "AN ACT IN FURTHER ADDITION TO AN ACT ENTITLED 'AN ACT FOR REGULATING FENCES, CATTEL, &c.'"

Preamble.  
1718-19, chap. 3,  
§ 2.

WHEREAS in and by the additional act for regulating fences, cattle, &c., made and pass'd in the fourth year of the reign of his late majesty King George the First, provision is made for the proportioning of each proprietor's part of fence in general fields, but no provision is made for defraying the charge of dividing and setting off the same, nor for making or maintaining such parts of such fence as may be unfit and injurious to be set[t] off to any particular proprietor or proprietors,—

*Be it therefore enacted by the Lieutenant-Governour, Council and Represent[at]ives in General Court assembled, and by the authority of the same,*

Charge of setting off and making fence in common fields to be proportioned to the proprietors.

[SECT. 1.] That for the future the charge arising by dividing and setting off the several parts of fence in the common fields to and among the proprietors of lands enclosed and fenced in one general field, and the charge of making and maintaining of such fence as cannot justly be set[t] off to any particular proprietor or proprietors as his or their part, shall be born by the several proprietors thereof in proportion to their respective interests in said field.

*And be it further enacted by the authority aforesaid.*

Proprietors to choose haywards, to be under oath.

Assessors to be chosen.

Warrant of distress to be issued.

[SECT. 2.] That it shall be in the power of the said proprietors, or a major part of them (the vote to be collected according to the interested, present), at a meeting of such proprietors legally warned for that purpose, to choose haywards or field-drivers, who are to be under oath and to have the same powers as if they were chosen by a town, and also to choose assessors to assess the several proprietors for the ends aforesaid, in proportion to each one's interest; and in case of refusal of any proprietor to pay the sum assessed upon him, that then, upon application made, a warrant of distress shall be granted by any justice of the peace in the county where such land lyes, directed to the constable of the town where such proprietor lives, requiring him to levy and collect of the said proprietor or proprietors his or their proportion of the sum assess'd upon his goods or chattels, and for want thereof on his person.

*Provided, nevertheless,*

Persons aggrieved to be relieved at the general sessions of the peace.

[SECT. 3.] If any proprietor or proprietors so assess'd shall think himself aggrieved, he shall apply to the assessors, and, if they shall refuse to relieve him, he shall or may have liberty to make application to the justices of the next court of general sessions of the peace for the county where the land lyes; and the difference shall be heard and determined by the said court, whose judg[em]ent or sentence thereon shall be final; any law, usage or custom to the contrary notwithstanding.

*Provided, alwa[y][ie]s,*

Proviso.

[SECT. 4.] That nothing contained in this act shall prevent or hinder the proprietors of any such common fields already fenced, from making and maintaining their fences according to the rules and orders formerly agreed on by them at a meeting legally warned. [*Passed January 18; published February 1, 1727-28.*]

## CHAPTER 14.

AN ACT TO OBLIGE AND REQUIRE THE FORTY PETITIONERS FOR A TRACT OF LAND AT HASSANAMISCO, TOGETHER WITH THE ENGLISH PROPRIETORS OF OTHER LANDS THERE, TO PAY THE CHARGE OF ERRECTING A MEETING-HOUSE AND SCHOOLHOUSE, AND OF SUPPORTING AN ORTHODOX MINISTER AND SCHOOL-MASTER IN THE SAID PLACE.

WHEREAS this court at their present session, in answer to the petition of Samuel Chandler and others, to the number of forty, whose names are subscribed to the said petition, did give them liberty to purchase the land at Hassanamisco by them petitioned for, containing about seven thousand five hundred acres, more or less, of the Indian natives, and proprietors of Hassanamisco, upon condition that forty English families shall be settled upon the said land, which families are to be of the petitioners, or their posterity, and no other; and that, within the space of three years, they build and finish a meeting-house for the publick worship of God, and build a schoolhouse for the instruction as well of the Indians as English children, and settle a learned orthodox minister to preach the gospel to them, and constantly maintain and duly support a minister and school-master among them, and that all the above articles shall be without charge to the Indian natives; *and whereas* there are sundry English proprietors of the other lands in Hassanamisco, who will be accommodated by the said meeting-house, schoolhouse, minister and school-master, as well as the said forty petitioners,—

*Be it therefore enacted by the Lieutenant-Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

[SECT. 1.] That the said forty petitioners be, and hereby are, required and obliged to pay, each of them, an equal part of four fifth parts of the charge of building the said meeting-house and schoolhouse; and that the said English proprietors of the other lands at Hassanamisco, be, and hereby are, required and obliged to pay the other fifth part of the aforesaid charge, to be apportioned and assessed by the trustees for the Hassanamisco Indians, already appointed by this court, upon the said English proprietors, according to their best judgment and discretion, they having regard unto the quantity of land and other estate in Hassanamisco belonging unto them, and to be collected by such meet person as they, the said trustees, shall appoint for that end; the abovesaid proportion of charges, together with the method of assessing and collecting the same, to be observed and pursued until the said petitioners and the other proprietors be invested with the powers and privileges of a township.

[SECT. 2.] And the said forty petitioners, together with the said English proprietors of the other lands as aforesaid, shall be obliged forever hereafter to maintain a minister and school-master for the Indians and their children, without cost or charge to the said Indians or their posterity. [Passed January 16; published February 1, 1727-28.]

English purchasers at Hassanamisco to build a meeting house and schoolhouse;

—and maintain a minister and schoolmaster forever.

## CHAPTER 15.

## AN ACT TO PREVENT THE UNNECESSARY JOURNYING OF THE REPRESENTATIVES.

Preamble.

1718–19, chap. 18.

WHEREAS of late there has been too great neglect in the sheriffs in not taking due care seasonably to disperse, to and among the several towns, the proclamations for adjourning, proroguing and dissolving the great and general courts or assemblies, whereby many of the members of the said court have been put to unreasonable trouble and expence; for remedy whereof,—

*Be it enacted by the Lieutenant-Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

Sheriffs of Suffolk to transmit proclamations to the other sheriffs.

[SECT. 1.] That the secretary shall, from henceforth, immediately after any such prorogation or dissolution of the great and general court or assembly, cause a sufficient number of the said proclamations (the same being first printed off) to be safely conveyed and delivered to the sheriff of the county of Suffolk, who, upon receipt thereof, shall forthwith take care that the several towns within his precinct be served with the same; and shall likewise use the best method he can that the several sheriffs within this province have, each of them, so many of the said proclamations as may be needful for the several towns within their respective counties, who are hereby alike enjoyn'd upon receipt thereof, effectually to disperse the same to every of the towns, for the ends aforesaid.

Sheriffs to disperse the proclamations in their counties.

Penalty for neglect of duty.

[SECT. 2.] And every sheriff shall be allowed and paid for his trouble and charge in sending out the aforesaid proclamations, out of the treasuries of the said counties respectively, what shall be adjudged reasonable by the respective courts of general sessions of the peace; the sheriff of the county of Suffolk to be paid for transmitting the proclamations to the other sheriffs within this province out of the publick treasury; and every sheriff neglecting his duty in any of the particulars aforementioned, shall forfeit and pay the sum of ten pounds, to be recovered by bill, plaint or information in any of his majesty's courts of record; the one half to be for and towards the support of the government, and the other half to him or them that shall inform and sue for the same.

Term of the act's continuance.

[SECT. 3.] This act to continue and be in force for the space of five years, and no longer. [*Passed January 12, 1727–28.*]

## CHAPTER 16.

## AN ACT FOR ESTABLISHING A SUPERIOUR COURT OF JUDICATURE, COURT OF ASSIZE, AND GENERAL GOAL DELIVERY AT BARNSTABLE, FOR THE COUNT[IE][Y]S OF BARNSTABLE AND DUKES COUNTY.

Preamble.

1699–1700, chap. 3, § 2.  
1717–18, chap. 13.

WHEREAS the inhabitants of the several towns within the said count[ie][y]s of Barnstable and Dukes County have complained of the great charge which the jurors, witnesses and parties concerned are at, yearly, in travelling to and attending at his majesty's superiour court of judicature, court of assize and general goal delivery, appointed by law to be holden, annually, for the count[ie][y]s of Plymouth, Barnstable and Dukes County, at the town of Plymouth, on the last Tuesday of April, which town is near one hundred miles distant from some of the towns in the said count[ie][y]s of Barnstable and Dukes County;



and the representatives of several of the towns within the said two count[ie][y]s, having petitioned this court that there may be a superiour court of judicature, court of assize and general goal delivery held at Barnstable yearly, for the said count[ie][y]s of Barnstable and Dukes County only,—

*Be it therefore enacted by the Lieutenant-Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

[SECT. 1.] That there shall be and hereby is established a superiour court of judicature, court of assize and general goal delivery to be held and kept annually at Barnstable aforesaid, for the count[ie][y]s of Barnstable and Dukes County, on the Tuesday in the week immediately preceding the last Tuesday of April yearly, the time by law appointed for holding the superiour court at Plymouth aforesaid.

Superiour court of judicature, court of assize, &c., to be kept at Barnstable. Time of the court's sitting. 2 Pick., 555.

[SECT. 2.] And the justices of the said superiour court of judicature, court of assize and general goal delivery shall have, hold, use, enjoy and exercise at Barnstable aforesaid, all and singular the powers which are by law already given and granted unto them within any other count[ie][y]s of the province where a superiour court of judicature and court of assize, &c., is already established.

[SECT. 3.] And that all appeals from the judgment or sentence of any of the courts of general sessions of the peace or inferiour courts of common pleas within the said count[ie][y]s of Barnstable and Dukes County, reviews, recognizances, warrants and all other process already issued or to be issued, brought or to be brought, taken or filed, which were to be heard and tried at the next superiour court of judicature, court of assize and general goal delivery to be holden at Plymouth for the said count[ie][y]s of Barnstable and Dukes County, on the last Tuesday of April next, shall not fail or be discontinued, but be obligatory, continued over, tryed, held good and valid, to all intents and purposes in the law, to and at the said superiour court of judicature, court of assize and general goal delivery, respectively, to be held at Barnstable for the said count[ie][y]s of Barnstable and Dukes County as aforementioned.

All process relating to the counties of Barnstable and Dukes county to be tried at said courts.

[SECT. 4.] And, in convenient time before the said court's sitting, the clerk of the said court shall issue out warrants, directed to the constables of the several towns within the said count[ie][y]s of Barnstable and Dukes County, requiring such constables to assemble the freeholders and other inhabitants of their respective towns, qualified as in his majest[y]ie's royal charter is directed, to elect and chuse so many good and lawful men within each town or district thereof as the warrant shall direct, to serve as jurors at the said court, who shall attend the first day of the said court's sitting; and the constables shall summon the persons so chosen to attend, accordingly, at the time and place therein appointed, and make timely return of their warrants, according to the directions thereof, under the same penalties of the law provided in such cases.

Clerk of the court to issue warrants for choosing jurors

*And be it further enacted by the authority aforesaid,*

[SECT. 5.] That, for the future, the superiour court of judicature, court of assize and general goal delivery shall be held at Plymouth, for the county of Plymouth only, on the last Tuesday of April annually; and that the clerk of the s[ai]d court do not, in making out writs of *venire facias* for the choice of petit jurors for the said county of Plymouth, oblige them to give their attendance until the second day of the said court's sitting.

Superiour court at Plymouth to be for that county only.

*And be it further enacted,*

[SECT. 6.] That for the future, the times for holding the court of general sessions of the peace and inferiour court of common pleas

Inferiour courts, &c., at Barnstable.



1725-26, chap. 6. within the county of Barnstable, shall be on the third Tuesday in March.

[SECT. 7.] And all actions, pleas and suits, both civil and criminal, shall be heard and tryed at the aboves[ai]d courts, as fully and absolutely as if the times for holding the same had not been alt[e]red.

[SECT. 8.] And all officers and others concerned at the said courts are to conform themselves accordingly; any law, usage or custom to the contrary notwithstanding. [*Passed January 11; published February 1, 1727-28.*]

## CHAPTER 17.

AN ACT FOR RAISING AND SETTLING A PUBLICK REVENUE, FOR AND TOWARDS DEFREYING THE NECESSARY CHARGES OF THIS GOVERNMENT, BY AN EMISSION OF SIXTY THOUSAND POUNDS IN BILLS OF CREDIT ON THIS PROVINCE.

Preamble.

1720-21, chap. 14.  
1722-23, chap. 3.

WHEREAS the publick bills of credit on this province, which have for a great length of time happily served this government both in war[r] and peace, and enabled the inhabitants thereof to pay their publick dues, are now become very scarce, by reason they are in a great measure already drawn in; for the enabling his majestie's subjects, the inhabitants of this province, to pay their publick dues for the support of this government,—

*Be it enacted by the Lieutenant-Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

£60,000 in bills  
of credit to be  
issued out to  
the towns in  
proportion to  
their tax.

[SECT. 1.] That the province treasurer be and hereby is ordered and directed to issue out of the treasury the sum of sixty thousand pounds in bills of credit on this province, which he hath or soon may have in his hands, and shall distribute the same to the several towns within the province according to each town's proportion to one thousand pounds set in the late valuation act, distinct from the additional sums for the payment of the representatives.

Towns empow-  
ered to let out  
the bills.

[SECT. 2.] And that the several towns within this province which shall receive their respective parts of the said sum of sixty thousand pounds may, by their trustees chosen for that purpose, let out the same at interest, on good real estates or personal security, at six pounds per cent *per annum*, as they shall judge most beneficial and advantageous for them, only they shall not proportion or subdivide it to and among their inhabitants, neither according to their particuliar tax or any other way.

*And be it further enacted by the authority aforesaid,*

Trustees to be  
chosen by the  
towns.  
Their qualifica-  
tions.

[SECT. 3.] That there be five freeholders chosen and appointed in and by the town of Boston (the major part of them to be a quorum) of good, clear and real estate worth at least two thousand pounds, each of them, and three or five freeholders chosen and appointed trustees in and by the several other towns within this province (the major part of whom to be a quorum), of good and clear real estates worth at least five hundred pounds, each of them (except in new or small towns under sixty families, in which case each trustee shall be worth two hundred pounds real estate as aforesaid); which persons so chosen shall be sworn[e] as other town officers, to the faithful discharge of their trust, and shall be allowed out of their town treasuries, respectively, for their pains and trouble in the execution of their office, what the several towns in their good discretion shall think meet and convenient: *provided, always, that none of the commissioners of the hun-*

To be on oath.

Provido.

dred thousand pounds loan be chosen as trustees for the respective towns.

*And be it further enacted by the authority aforesaid,*

[SECT. 4.] That the province treasurer, so soon as he hath the said sum of sixty thousand pounds in his hands, do notify the selectmen of the several towns thereof, that so they may assemble the freeholders qualified as in this act is provided, giving them notice ten days at least before the day of their so assembling, to take out their proportions of the said bills, if they see meet, by their trustees then to be chosen, or their order; they giving receipt therefor to the province treasurer.

Province treasurer to notify the towns to take out their proportions.

[SECT. 5.] And the respective towns are hereby obliged, by their trustees or otherwise, to pay into the publick treasury four per cent annually for such sums as they shall severally receive, and the other two per cent, which every borrower is hereby directed to pay in to the several trustees, shall be to and for the several towns as they shall direct, to enable them to pay the cost and charge attending this affair.

Four per cent interest to be paid the province, and two per cent to the towns.

[SECT. 6.] And in case any of the towns neglect to pay into the publick treasury the interest arising as aforesaid, at the time and times in this act directed, and continue in such their neglect for the space of sixty days, that then and in every such case the treasurer for the time being be and hereby is directed and impowred to observe and pursue the same method against such defective town or towns as is hereafter provided in this act for drawing in the principal; and the whole of the interest of four per cent per annum shall be applied for and towards defraying the necessary charges of this government, and to and for no other use whatsoever.

Method to be pursued in case the towns neglect to pay the interest.

[SECT. 7.] The proportion of each town is as followeth; that is to say,—

The several proportions of the bills.

#### IN THE COUNTY OF SUFFOLK.

Boston, eleven thousand one hundred pounds, . . .	£11,100	0s.	0d.
Roxbury, five hundred forty-one pounds, . . .	541	0	0
Dorchester, five hundred twenty-three pounds five shillings, . . .	523	5	0
Hingham, six hundred twenty-one pounds ten shillings, . . .	621	10	0
Weymouth, three hundred eighty-seven pounds, . . .	387	0	0
Brantrey, five hundred fifty-two pounds, . . .	552	0	0
Dedham, four hundred pounds, . . .	400	0	0
Medfield, two hundred eighty-nine pounds, . . .	289	0	0
Medway, one hundred eighty-two pounds fifteen shillings, . . .	182	15	0
Milton, three hund[re]d and four pounds five shillings, . . .	304	5	0
Hull, one hundred thirty-one pounds fifteen shillings, . . .	131	15	0
Wrentham, three hundred fifty-one pounds five shillings, . . .	351	5	0
Mendon, two hundred and seventy pounds, . . .	270	0	0
Oxford, one hundred and six pounds ten shillings, . . .	106	10	0
Woodstock, two hundred and forty pounds, . . .	240	0	0
Brookline, two hundred and two pounds, . . .	202	0	0
Needham, two hundred and seventeen pounds ten shillings, . . .	217	10	0
Sutton, one hund[re]d eighty-three pounds fifteen shill[ing]s, . . .	183	15	0
Bellingham, one hund[re]d and twelve pounds five shillings, . . .	112	5	0

Walpole, ninety-two pounds, . . . . .	£92	0s.	0d.
Stoughton, three hundred twenty-three pounds ten shillings, . . . . .	323	10	0
Uxbridge, ninety pounds five shillings, . . . . .	90	5	0

## IN THE COUNTY OF ESSEX.

Salem, sixteen hundred and three pounds, . . . . .	1,603	0	0
Ipswich, fifteen hundred and sixty pounds five shillings, . . . . .	1,560	5	0
Newbury, thirteen hundred twenty-eight pounds fifteen shil., . . . . .	1,328	15	0
Marblehead, thirteen hundred sixty-five pounds, . . . . .	1,365	0	0
Lynn, six hundred fifty-one pounds, . . . . .	651	0	0
Andover, seven hund[re]d fifty-four pounds ten shillings, . . . . .	754	10	0
Beverly, five hundred [and] eighty pounds ten shillings, . . . . .	580	10	0
Rowley, five hundred and twenty pounds fifteen shillings, . . . . .	520	15	0
Salisbury, four hundred eighty-nine pounds ten shillings, . . . . .	489	10	0
Haverhill, four hundred ninety-four pounds fifteen shillings, . . . . .	494	15	0
Glocester, seven hundred forty-three pounds, . . . . .	743	0	0
Topsfield, two hundred sixty-four pounds, . . . . .	264	0	0
Boxford, two hundred eighty-one pounds ten shillings, . . . . .	281	10	0
Almsbury, four hundred seventy-three pounds five shillings, . . . . .	473	5	0
Bradford, two hundred seventy-six pounds five shillings, . . . . .	276	5	0
Wenham, two hundred thirty-seven pounds, . . . . .	237	0	0
Manchester, one hundred sixty-three pounds ten shillings, . . . . .	163	10	0
Methuen, one hundred and four pounds, . . . . .	104	0	0

## IN THE COUNTY OF MIDDLESEX.

Cambridge, four hundred fifty-four pounds, . . . . .	454	0	0
Charlestown, one thousand and two pounds ten shillings, . . . . .	1,002	10	0
Watertown, five hundred twenty-eight pounds fifteen shillings, . . . . .	528	15	0
Concord, six hundred sixty-seven pounds ten shillings, . . . . .	667	10	0
Weston, two hundred thirty-five pounds, . . . . .	235	0	0
Woburn, five hundred [and] ninety pounds ten shillings, . . . . .	590	10	0
Reading, four hundred seventy-one p[oun]ds ten shillings, . . . . .	471	10	0
Sudbury, five hundred twenty-six pounds, . . . . .	526	0	0
Marlborough, four hundred and seven pounds five shillings, . . . . .	407	5	0
Lexington, three hundred thirty-four pounds ten shillings, . . . . .	334	10	0
Newton, four hundred and eleven pounds, . . . . .	411	0	0
Malden, three hundred seventy-eight pounds ten shillings, . . . . .	378	10	0
Chelmsford, four hundred seventy-four pounds five shillings, . . . . .	474	5	0
Billerica, four hundred ninety-six pounds five shillings, . . . . .	496	5	0

Sherbourn, one hundred eighty-eight pounds five shill[ing]s, . . . . .	£188 5s. 0d.
Medford, one hundred eighty pounds fifteen shillings, . . . . .	180 15 0
Dunstable, one hundred and forty pounds, . . . . .	140 0 0
Groton, three hundred seventy-nine pounds ten shill[ing]s, . . . . .	379 10 0
Lancaster, four hundred seventy-one pounds five shill[ing]s, . . . . .	471 5 0
Framingham, three hundred eighty-two pounds fifteen sh[illing]s, . . . . .	382 15 0
Stow, one hundred ninety-seven p[oun]ds five shillings, . . . . .	197 5 0
Dracut, one hundred and thirteen pounds, . . . . .	113 0 0
Littleton, one hund[re]d seventy-seven p[oun]ds fifteen shill[ing]s, . . . . .	177 15 0
Leicester, one hund[re]d and four pounds fifteen shill[ing]s, . . . . .	104 15 0
Hopkinton, ninety-six pounds fifteen shill[ing]s, . . . . .	96 15 0
Rutland, fifty-eight pounds ten shillings, . . . . .	58 10 0
Westborough, one hund[re]d thirty-five p[oun]ds fifteen shillings, . . . . .	135 15 0
Holliston, ninety pounds, . . . . .	90 0 0
Worcester, one hundred seventy pounds fifteen shill[ing]s, . . . . .	170 15 0
Stoneham, one hundred thirty-four pounds ten shill[ing]s, . . . . .	134 10 0
Southborough, one hund[re]d twenty-nine pounds fifteen shill[ing]s, . . . . .	129 15 0
Shrewsbury, one hund[re]d and ten pounds five shillings, . . . . .	110 5 0

## • IN THE COUNTY OF HAMPSHIRE.

Springfield, six hundred eighty-seven p[oun]ds fifteen shillings, . . . . .	687 15 0
Northampton, four hund[re]d eighty-eight pounds ten shill[ing]s, . . . . .	488 10 0
Hadley, two hund[re]d and ninety pounds ten shill[ing]s, . . . . .	290 10 0
Hatfield, two hund[re]d thirty-eight pounds ten shill[ing]s, . . . . .	238 10 0
Westfield, two hundred eighty-nine pounds, . . . . .	289 0 0
Sutfield, four hundred and five pounds, . . . . .	405 0 0
Enfield, two hund[re]d ninety-one pounds fifteen shill[ing]s, . . . . .	291 15 0
Deerfield, one hundred fifty-three p[oun]ds ten shill[ing]s, . . . . .	153 10 0
Northfield, ninety-four pounds, . . . . .	94 0 0
Brookfield, two hundred and three pounds, . . . . .	203 0 0
Brimfield, one hundred pounds, . . . . .	100 0 0
Sunderland, eighty-three pounds five shill[ing]s, . . . . .	83 5 0

## IN THE COUNTY OF PL[Y][I]MOUTH.

Pl[y][i]mouth, five hundred eighty-three pounds five shill[ing]s, . . . . .	583 5 0
Scituate, seven hundred seventy-four p[oun]ds ten shill[ing]s, . . . . .	774 10 0
Marshfield, four hund[re]d fifty-eight pounds five shill[ing]s, . . . . .	458 5 0

Duxbury, two hundred and forty p[oun]ds fifteen shill[ing]s, . . . . .	£240 15s. 0d.
Bridgewater, six hundred thirty-three p[oun]ds fif- teen shill[ing]s, . . . . .	633 15 0
Middleborough, four hund[re]d and six pounds fifteen shill[ing]s, . . . . .	406 15 0
Rochester, four hundred thirty-eight pounds, . . . .	438 0 0
Plimpton, three hund[re]d seventy-one p[oun]ds ten shillings, . . . . .	371 10 0
Pembroke, two hundred and two pounds fifteen shil- l[ing]s, . . . . .	202 15 0
Abington, one hundred eighty-one pounds ten shil- lings, . . . . .	181 10 0
Kingston, one hundred eighty-one pounds ten shil- lings, . . . . .	181 10 0
Hanover, one hundred seventy-seven p[oun]ds fifteen shillings, . . . . .	177 15 0

IN THE COUNTY OF BRISTOL.

Bristol, four hund[re]d fifty-eight pounds fifteen shil- lings, . . . . .	458 15 0
Taunton, seven hundred seventy-eight pounds, . . . .	778 0 0
Swansey and Shewamet, five hundred eighty-six pounds fifteen shill[ings], . . . . .	586 15 0
Rehoboth, seven hundred and eighteen pounds ten shill[ing]s, . . . . .	718 10 0
Little Compton, five hund[re]d and seventeen pounds, Dighton, two hund[re]d forty-six pounds fifteen shil- l[ing]s, . . . . .	517 0 0
Tiverton, two hund[re]d eighty-two pounds ten shil- l[ing]s, . . . . .	246 15 0
Dartmouth, nine hund[re]d twenty-five pounds five shill[ing]s, . . . . .	282 10 0
Attleborough, three hund[re]d fifty-one pounds ten shill[ing]s, . . . . .	925 5 0
Norton, two hundred and seventy pounds ten shil- l[ing]s, . . . . .	351 10 0
Freetown, two hundred [and] twenty-four p[oun]ds five shill[ing]s, . . . . .	270 10 0
Barrington, two hund[re]d and thirteen pounds fif- teen shill[ing]s, . . . . .	224 5 0
Easton, one hundred and one pounds ten shill[ing]s,	213 15 0
	101 10 0

IN THE COUNTY OF BARNSTABLE.

Barnstable, seven hund[re]d fifty-nine pounds five shill[ing]s, . . . . .	759 5 0
Yarmouth, four hundred sixty-six pounds, . . . . .	466 0 0
Sandwich, four hund[re]d eighty-six pounds ten shil- l[ing]s, . . . . .	486 10 0
Eastham, five hund[re]d fifty-seven pounds fifteen shill[ing]s, . . . . .	557 15 0
Harwich, three hund[re]d forty-seven pounds fifteen shill[ing]s, . . . . .	347 15 0
Truro, two hundred and sixteen pounds, . . . . .	216 0 0
Chatham, one hund[re]d eighty-one pounds ten shil- l[ing]s, . . . . .	181 10 0
Falmouth, two hundred and forty pounds ten shil- l[ing]s, . . . . .	240 10 0



Provincetown, one hundred and one pounds ten shillings, . . . . .	£101 10s. 0d.
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## IN THE COUNTY OF YORK.

York, five hundred and three pounds fifteen shillings, . . . . .	503 15 0
Kittery, six hundred thirty-eight pounds, . . . . .	638 0 0
Berwick, two hundred ninety-five pounds ten shillings, . . . . .	295 10 0
Wells, three hundred and two pounds five shillings, . . . . .	302 5 0
Falmouth, one hundred fifty-eight pounds five shillings, . . . . .	158 5 0
Biddeford, one hundred and nine pounds fifteen shillings, . . . . .	109 15 0
Arundel, sixty-nine pounds ten shillings, . . . . .	69 10 0
Scarborough, one hundred thirty-six pounds ten shillings, . . . . .	136 10 0

## IN THE COUNTY OF DUKES COUNTY.

Edgartown, two hundred and forty pounds, . . . . .	240 0 0
Chilmark, two hundred seventy-one pounds ten shillings, . . . . .	271 10 0
Tisbury, one hundred thirty-seven pounds five shillings, . . . . .	137 5 0

## IN THE COUNTY OF NANTUCKET.

Sherbourn, seven hundred and eighty pounds, . . . . .	780 0 0
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Amounting in the whole to the sum of sixty thousand pounds, . . . . .	£60,000 0 0
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And be it further enacted by the authority aforesaid,

[SECT. 8.] That in the choice and appointment of the said trustees, and in the disposal of the principal sum which each town shall receive, and the interest arising thereon, no person or persons residing in any town shall be allowed to vote or act, other than such as are inhabitants of such town, and have an estate of freehold worth at least forty shillings per annum in the said town. Qualifications of the voters as to these bills.

[SECT. 9.] And in case of the death or removal of any of the said trustees, the several towns within this province are hereby empowered and directed to ch[oo][u]se and appoint others in their room, qualified as aforesaid, who shall likewise be sworn to the faithful discharge of their trust, as in this act is provided. Towns to choose other trustees in case of removal.

And be it further enacted,

[SECT. 10.] That as a fund and security for the drawing in and repayment of the said bills into the publick treasury, and to and for no other use or purpose whatsoever, there be and hereby is granted unto his most excellent majesty a tax of sixty thousand pounds, to be levied on polls, and estates both real and personal, and by no other way, within this province, according to the rules of raising money for defraying the province charges, upon the several towns and districts within the same, and in proportion to the sums severally received by the respective towns within the same, and paid into the publick treasury in manner following; viz., twelve thousand pounds thereof by the last day of May, *anno Domini* one thousand seven hundred and thirty-four; twelve thousand pounds more by the last day of May, one thousand seven hundred and thirty-five; twelve thousand pounds more by the last day of May, one thousand seven hundred and thirty-six; twelve thousand Tax to be laid as a fund for the bills.

pounds more by the last day of May, one thousand seven hundred and thirty-seven; and twelve thousand pounds, the residue thereof, by the last day of May, one thousand seven hundred and thirty-eight, which makes the whole sum of sixty thousand pounds, to be collected from the several towns, or paid out of their stock, according to the sums they severally received from the province treasurer.

*And be it further enacted,*

[SECT. 11.] That in case the towns, by their trustees or otherwise, neglect to pay into the province treasury annually, on or before the first day of June, for the space of five years as aforementioned, the proportion or fifth part of the province bills by them received, the treasurer of this province, for the time being, do and hereby is directed immediately to send out his warrants from time to time yearly, during the five years aforesaid, directed to the selectmen or assessors of each town or district before mentioned, requiring them, respectively, in the month of July yearly, and every year during the said five years, to assess the aforesaid sum of twelve thousand pounds, or so much thereof as shall be taken out by the several towns, upon the inhabitants of such town or district in manner following; that is to say, to assess all ratable male polls, above the age of sixteen years, at forty-eight pence per poll, except the governour, lieutenant-governor and their families, the president, fellows and students of Harvard College, settled ministers and grammar-school masters (who are hereby exempted as well from being taxed for their polls, as for their estates being in their own hands and under their actual management and improvement), and other persons, if such there be, who, thro[ugh] age, infirmity or extream poverty, in the judgment of the assessors are not capable to pay towards the public charges, they may except their polls or so much of their estates as, in their prudence, they shall think fit and judge meet; and all estates, both real and personal, lying within the limits and bounds of such town or district, or next unto the same, not paying elsewhere, in whose hand, tenure or possession the same is or shall be found; and income by trade or faculty which any person or persons (except as before excepted) do or shall exercise in gaining, by money or other estate not particularly otherwise assessed, or commissions of profit in their improvement, according to their understanding and cunning, at one penny on the pound; and to abate or multiply the same, if need be, so as to make up the sum hereby set and ordered for such town or district to pay; and, in making their assessments, to estimate houses and lands at six years' income of the yearly rents whereat the same may be reasonably set or let for, in the places where they lye: *saving* all contracts betwixt landlord and tenant, and where no such contract is, the landlord to reimburse one-half of the tax set upon such houses and lands; and to estimate Indian, negro and mol[lat]o servants, proportionably, as other personal estate, according to their sound judgment and discretion: as also to estimate every ox of four years old and upwards, at forty shillings; every cow of three years old and upwards, at thirty shillings; every horse and mare of three years old and upwards, at forty shillings; every swine of one year old and upwards, at eight shillings; every sheep and goat of one year old and upwards, at three shillings: likewise requiring the assessors, yearly and every year, during the said five years, in the month of July, to make a fair list of the said assessment, setting forth, in distinct col[um]ns, against each particular person's name, how much he or she is assessed at for polls, and how much for houses and land, and how much for personal estate, and income by trade or faculty; and the list or lists so perfected and signed in the month of July yearly, during the said five years, by them, or [the] [a] major part of them, to commit to the collectors, constable or

Treasurer to send out his warrants for calling in the bills.

Rules for assessing.

constables of such town or district, and to return a certificate of the name or names of such collector, constable or constables, together with the sum total to each of them respectively committed, to himself, sometime before the last day of July yearly.

[SECT. 12.] And the treasurer for the time being, upon the receipt of such certificate, is hereby impowered and ordered to issue forth his warrants to the collectors, constable or constables of such town or district, requiring him or them, respectively, to collect the whole of each respective sum, assessed annually as aforesaid on each particular person, on or before the last day of August yearly, during the said five years, when the whole sum of sixty thousand pounds will be fully paid.

And whereas the act made and passed the twelfth year of the reign of King William the Third, entitled “An Act directing how rates and taxes to be granted by the general assembly shall be assessed and collected,” wherein provision was made to enforce the assessing, collecting and paying into the publick treasury such sums as, from time to time, should be granted by the general court, and which has been by several acts revived and continued, but is now near expiring; and it being necessary that the like provision be made to enforce the assessing, collecting and paying into the public treasury the said sum of sixty thousand pounds, according to the intent and meaning of this act,—

*Be it enacted by the authority aforesaid,*

[SECT. 13.] That all and singular the paragraphs and clauses in the said act be, and hereby are, continued so far only [as] to enforce the assessing, collecting and paying into the publick treasury the aforesaid sum of sixty thousand pounds, according to the true intent and meaning of this act, as if the words of all or any of the said paragraphs and clauses therein mentioned had been particularly express'd, and to be and remain in force until the whole sum aforesaid be completely paid into the treasury as aforesaid, and that the said bills, as they shall be received into the treasury, shall there remain for the further order of the general court. [*Passed February 20, and signed by the Lieutenant-Governor, February 21, 1727–28.*]

Preamble.  
1699-1700, chap  
26.

Act directing  
how rates and  
taxes shall be  
assessed, con-  
tinued as it re-  
lates to this act

NOTES.—A new General Court was convened November 22, this year. This court held but one session, which continued to February 21, 1727–28, when it was prorogued to April 3, and again, by proclamation, to April 24; but was dissolved, by proclamation, April 8, 1728.

Of the engrossments of the acts of this court, chapters 2, 3, 4, 5, 8, 10 and 15 are not to be found. All the foregoing chapters were, however, printed with the sessions acts.

The acts of this Court were submitted to Mr. Fane, by order of the Board of Trade, July 4, 1728, and he reported, on the fourth of November following, that he had no objection, in point of law, to any of them. Subsequently, chapters 7 and 17 were further considered by the Board of Trade; and the former was referred to the law officers of the Crown, as is more fully shown in the notes to those chapters, *post*.

Chap. 7. The following extracts, from the records of the Privy Council and of the Board of Trade, comprise all the most important matter that has been collected from those sources, bearing upon the subject of the opposition made by the Episcopal ministers of the Province to the confirmation of this chapter. It will be seen that these clergymen first applied to the Privy Council for the repeal of the acts of 1692–3, chaps. 26 and 46; 1695–6, chap. 8; 1702, chap. 1; 1715–16, chap. 17; and 1718–19, chap. 1; but that, before their petition could have reached England, the act of this year was passed; upon which they presented a second petition, which was laid before the Privy Council some four years after the former petition had been referred to the law officers of the Crown.

It is to be regretted that no opinion upon these acts by the eminent lawyers, Attorney-General Yorke, afterwards Earl of Hardwicke, and Mr. Solicitor, afterwards Lord Chancellor Talbot, to whom these petitions were referred, has been discovered. Neither has any record been found of further action upon this subject by the Privy Council.

The interest of this subject seemed to warrant the insertion of the copious extracts here given. The marginal memoranda, except such as are inclosed in parentheses, are in the original:—

“Order in Council on petition of Clergymen of the Church of England against several Acts of the Massachusetts Bay. 14 July 1727.

At the Council Chamber, Whitehall, the 14<sup>th</sup> day of July 1727

By the Right Hon<sup>ble</sup> the Lords of the Committee for hearing Appeals, Complaints &c from the Plantations.

Whereas his Majesty was pleased to refer unto the consideration of this Committee the humble petition of the Reverend Timothy Cutler, Samuel Miles, and others, Clergymen of the Church of England as by Law established on behalf of themselves and several Congregations of the Church of England in the Province of the Massachusetts Bay in New England in America, praying the repeal of several Laws past in that Province affecting the Consciences, Religion, Liberties and Properties of the Petitioners and their Congregations, and that directions may be given to prevent the passing any Acts of the like oppressive nature for the future.

The Lords of the Committee this day took the same into consideration and are hereby pleased to order that the said Petition be referred to the Lords Commissioners for Trade and Plantations to examine into the same and report their opinion thereupon to this Committee

EDWARD SOUTHWELL."

—"New Eng. ; Board of Trade," vol. 15, Z. 3, in *Pub. Rec. Office.*

"To the King's most Excele Majty in Council

The humble Petition of the Reverend Timothy Cutler, Samuel Miles, James Honyman, James McSparran, Mathias Plant, George Pigott and Samuel Johnson, all Clergymen of the Church of England as by Law established, on behalf of themselves and several Congregations of the Church of England in the Province of the Massachusetts Bay in New England in America.

Sheweth

That 4<sup>o</sup> *Caroli Primi* a Charter was granted to the said Province of the Massachusetts Bay, but which was afterwards (vizt) in 1684 vacated by a judgment in Chancery (and as your Pet<sup>r</sup> apprehend) on account that the said Colony had then a little before taken upon them to attempt to sett up an established Provincial Religion by attempting to call Synods &c<sup>a</sup>

That upon the said Charter being thus vacated (vizt) 7<sup>o</sup> *Octobr* 3 *Willi & Mariæ* a new Charter was granted by their late Majesties King William and Queen Mary to the said Province, whereby their said Majesties (*int. al*) for the greater ease and encouragement of their loving subjects inhabiting the said Province, and of such as should come to inhabit there, did particularly grant, ordain and establish that forever thereafter there should be liberty of conscience allowed in the worship of God to all Christians (excepting Papists) inhabiting or which should inhabit or be resident within the said Province or Territories, and the said Charter empowered the General Court to make all wholesome and reasonable Laws (not repugnant or contrary to the Laws of England) as they should judge for the good and welfare of the Province and for the Government and ordering thereof and of the inhabitants and for the necessary support and defence of the Government, And the said General Court are also impowered to impose and levy proportionable and reasonable taxes on the Estates and persons of the said Inhabitants to be issued and disposed of by Warrant under the hand of the Governor with the advice of the Council for their Majesty's service in the necessary defence and support of the Government and the protection and preservation of the Inhabitants there and to dispose of matters and things whereby their Majesty's subjects might be religiously, peaceably and civilly governed protected and defended as their good life and orderly conversation might win the Natives to the knowledge and obedience of the only true God and Christian religion which and the adventurers free profession the Charter declares to be the principal end of the said Plantation, and for the better maintaining and securing Liberty of Conscience the Charter directs that all such Laws made by virtue of the Charter should be published under the seal of the Province and be carefully observed and putt in execution according to the true meaning of the Charter thereby granted, and the Charter further directs that all Laws, Statutes &c<sup>a</sup> so passed and published shall be sent or transmitted to their said Majesty's their Heirs and Successors under the publick seal for the Royal approbation or disallowance, and in case the said Laws &c<sup>a</sup> within three years after presented to their Majesty's their Heirs and Successors in Privy Council be disallowed they were from thenceforth to be of no effect.

That this Charter is the Fundamental Constitution of the said Province and the principal Foundation of the said Charter is a Liberty of Conscience to all Christians (except Papists) and consequently all Protestants are entitled by a like Original right to an Universal Freedom and Liberty of Conscience.

That the Independants being more numerous than the people of the Church of England (to whom the said Charter allows at least equal rights) they became Masters of the Laws and Ministers of the Privileges of the said charter, and having forgot the liberty of conscience thereby granted to all Christian Inhabitants (except Papists) they have cluded the said Charter and disappointed the rest of your Majesty's Loyal Subjects in the said Province of the benefit thereof and having absolutely the ascendant of the Assembly there, have usurped and assumed to themselves the authority of an established Church (in direct opposition to their said Charter and to several Acts of Parliam<sup>t</sup> passed here and to the constitution of these kingdoms) and have taken upon themselves to pass Laws tending to the very great prejudice and oppression of the Members of the Church of England, and the rest of the Inhabitants of the said Colony, and particularly Your Pet<sup>r</sup> humbly inform your Ma<sup>y</sup> That they passed a Law in the said Province Intituled an Act for the settlement and support of the Ministers and Schoo<sup>l</sup>masters, whereby it is (*int al*) Enacted, That the Inhabitants of each Town within the said Province should take due care from time to time to be constantly provided with an able Learned Orthodox Minister of good conversation to dispence the word of God to them, which Minister or Ministers should be constantly supported and maintained by the Inhabitants of such Town, And all Contracts, Agreements and Orders theretofore made or that thereafter should be made by the Inhabitants of any Town within the said Province respecting their Ministers or Schoolmasters as to their settlement or maintenance should remain good and valid according to the intent thereof, and where there was no Contract or Agreement made in any town respecting the support and maintenance of the Ministry, or when the same expired and the Inhabitants of such Town should neglect to make suitable provision therein On complaint thereof made to the Quarter Sessions they are empowered to order a competent allowance

(1692-3, chap. 25.)

4 Wm. & Mary. Confirmed 22d Aug., 1695.  
8 Eng. Entries, vol. 4, fol 196.  
New Printed Vol., p. 18.



for such Minister according to the estate or ability of the Town to be raised by Assessment upon the Inhabitants. And by the said Act, it is further Enacted that every Minister chosen by the major part of the Inhabitants of any Town at the Town meeting should be the Minister of such Town, and the whole Town be obliged to pay towards his Maintenance and Settlement, Each Man his several proportion.

That this Act was only preparatory and introductory of other Acts to follow, For so quickly after as in the same Year, they passed another Act Intituled an Act for the explaining and altering some Clauses and Sentences and the repealing of some others contained in several Acts made and passed at the second Session of this Court in October last 1692, whereby (*int al*) the Paragraph in the aforesaid Act directing that the Minister of each Town should be chosen by the Majority of the Inhabitants of such Town, and the whole Town obliged to pay towards his Settlement and Maintenance is repealed, And by the said Act It is Ordained that each respective *Gathered Church* (whereby your Pet<sup>rs</sup> most humbly inform your Majesty are meant the Independant Meetings) in any Town or Place within that Province that at any time should be in want of a Minister such Church should have power according to the directions given them in the word of God to choose their own Minister, and the major part of such Inhabitants as there usually attend on the Publick Worship of God and are qualified for voting in Town affairs concurring with the *Churches Act* the person so elected and approved accepting thereof and settling with them shall be the Minister towards whose settlement and Maintenance all the Inhabitants and ratable Estates lying within such Town shall be obliged to pay in proportion, And the said Act further Ordains That in such Towns or Places where there is no *Gathered Church* the ratable Inhabitants of such Town or place at a meeting duly warned for that purpose by the Major Votes of such Assembly with the advice of three neighbouring ordained Ministers shall choose and call an Orthodox learned and pious person to dispense the word of God unto them, To the settlement and maintenance of which Minister all ratable Estates and Inhabitants within such Town or Place shall be assessed and pay proportionably, and in case any Town shall be negligent of their duty respecting the maintenance of the Minister, the Quarter Sessions of the same place are empowered to provide remedy for the same, And these Clauses are by the said Act ordained to be an addition to the remaining part of the said Act relating to Ministers.

That the said Independants in further addition of the said last Act (and in further prosecution of their intention of setting up their own as an Established or Provincial Church) passed an Act Intituled An Act in further addition to the Act for the settlement and support of Ministers whereby It is Enacted that when at any time a Church should choose a Minister and present the Choice to the Inhabitants of the Town or Precinct in a Publick Meeting duly warned and assembled for that purpose to have their concurrence therein, and the Inhabitants so assembled should by a Major Vote deny their approbation of the Church's Choice, the Church might call in the help of a Council consisting of the Elders and Messengers of three or five neighbouring Churches, which Council were by the said Act empowered to hear examine and consider the exceptions and allegations made against the Churches election, and in case the Council should notwithstanding approve of the said election such Minister accepting of the choice and settling with them should be the Minister of the Town or Precincts, who should be in all respects supported and maintained as by the said Act is provided. But if other wise the Church was to proceed to elect an other Minister—Your Pet<sup>rs</sup> further inform your Majesty.

That the said Independants in further prosecution of their said Designs passed another Act Intituled An Act more effectually providing for the support of Ministers, Reciting that whereas in some few towns within that Province divers of the Inhabitants were *Quakers & other Irreligious Persons* averse and opposite to the publick worship of God and to a learned and orthodox Ministry and found out ways to evade the Laws provided for the support of such and perverted the good intentions thereof to the encouragement of irreligion and profaneness, for remedy whereof and in further addition to the former Act, It is hereby Enacted that when and so often as from time to time Information or Complaint should be made to the Court of General Sessions of the Peace in any County, That the Minister of any Town or District within such County was not suitably encouraged supported and maintained according to his contract or Agreement made with the Inhabitants or according to the allowance and maintenance ordered him by the Court of General Sessions of the Peace as the Law directs where there is no such Contract, or that the same happened to be expired by reason that the Select Men or other Assessors of such Town or District refused or neglected to assess and raise such maintenance and cause the same to be levied on the Inhabitants or that payment thereof was withheld from the Minister, In every such Case the said Court is directed and further empowered over and above imposing a Fine on such Select Men or Assessors to appoint three or more sufficient Freeholders to assess and apportion the sum agreed on or sell for the yearly support and maintenance of such Minister either by Contract or Court Order on the Inhabitants of such Town or District in manner as is directed for raising other Publick Charges and two Justices are empowered to make out a Warrant for levying, collecting, and paying the same unto the Minister or such person as shall be appointed by the Sessions to receive the same for his use.

That another Act was passed in the said Province in the second year of Your Majesty's Reign Intituled An Act for maintaining and propagating Religion, in which after a General Recital of the said Laws for rendering the same more effectual and to prevent the growth of Atheism Irreligion and Profaneness is suggested as one great reason of it's being, and thereby the Justices in Quarter Sessions are directed at the opening of their Court from time to time to give in special Charge to the Grand Jury to make diligent Enquiry and Presentment of all Towns and Districts that are destitute of a Minister qualified as by the said Laws is directed, or that do not make a suitable provision for his support and maintenance and upon such Presentment Complaint or Information in any other manner the Court of General Sessions are directed and required vigorously to put the Laws in execution for redressing of all defects and neglects of that kind, and forthwith to make

(1692-3, chap. 46, §§ 7-11.)  
Confirmed 22d Aug., 1695.  
N. Engl. Eccles. Hist., vol. 4, fol. 196.  
Printed Vol., page 37.

(1695-6, chap. 8.)  
Confirmed 24th Nov., 1698.  
N. Engl. V. 3, fol. 122.  
Printed Vol., fol. 38.

1<sup>o</sup> *Anna Regi-  
ne.*  
(1702, chap. 10.)  
Bp. of London  
entd. a Coven-  
*ride Journal*  
24 May, 1704.  
Printed Vol.,  
page 214,—and  
see NOTES to  
1702, chap. 10,  
*ante*, Vol. 1, pp  
508-9.

(1715-16, chap. 17.)  
Not in the  
office.



the necessary Orders for that end as by Law they are impowered and in case their Orders so made be not duly observed or by combination and practises of ill men be eluded and rendered ineffectual for the speedy remedying and reforming of so great an Evil the Justices of such Court are to represent and make Report of their Proceedings unto the next Session of the Great or General Court or Assembly, who upon such Report are to take effectual care to provide and send an able learned Orthodox Minister of good conversation (being first recommended by three or more of the *Settled Ordained Ministers*) to every such Town or District that are destitute and also provide for his Hon<sup>ble</sup> support & maintenance by adding so much to the proportion of such Town or District to the Publick Taxes from time to time as they shall judge sufficient for that End, and so in like manner for the support and maintenance of Ministers in such Towns or Districts that neglect to fulfil and perform the Contracts and Agreements made with their Ministers and shall also proceed after the same manner to supply and support a Minister in places that are destitute, where the Justices neglect their duty to take care thereof and such additional sums so laid as aforesaid are to be assessed, collected and paid into the publick Treasury with the other publick taxes and drawn out thence and duly paid to the Minister and Ministers respectively for whom it should be laid.

(1718-19, chap.  
1.)  
Read 5 June,  
1719.  
No objection.  
Prin. Vol., 339.

That by another Act passed in the fourth year of Your Majesty's Reign Intituled An Act in addition to an Act passed in the 1<sup>st</sup> year of Queen Anne Intituled an Act for more effectually providing for the support of the Ministry reciting the powers provided by the said Act for assessing the Inhabitants for support of the Ministers, But that no like power was provided with reference to the charge of building and repairing of the publick Meeting houses for the worship of God, It is enacted that when and so often as the Major part of the Inhabitants of any Precinct or District have or should at a Meeting legally warned agree on the Building Finishing or Repairing of any Publick Meeting house, or defraying any other necessary charge for the support of the worship of God, and agree on any sum for that purpose, the Assessors of such Precinct or District are impowered to assess and raise the same on the respective Inhabitants and in like manner as is directed by the said Act, and all regular or legal Precincts or Districts are impowered to choose a Committee or other Officers for the better management of the Affairs of their respective Precincts or Districts as aforesaid, and a New District is made by this Act and the Inhabitants thereof to have full power to choose a Committee for the Regulation and Management of all Affairs relating to the support of the publick Worship of God.

That the said Independants having passed the aforesaid Laws (in direct opposition to their said Charter, and to the Laws and Constitutions of this Kingdom) in order to oppress the Church of England People and other Christian Inhabitants conscientiously differing from the said Independants, and having by the said Act of 1715 vested an illegal power in themselves of determining who should be Ministers under the Qualifications aforesaid and of appointing Ministers of their own perswasion and imposing them and their Maintenances on all your Majesty's subjects, even those of their Mother Church to compleat their designs under the said Laws they sett up themselves for and acted as an Established Church, and very lately took upon them as such to erect a Synod, But which was taken notice of and condemned and disallowed of by Your Majesty.

That your Pet<sup>rs</sup> (who are Ministers of the Church of England) have been sent over as Missionaries to New England by the Hon<sup>ble</sup> Society for the Propagation of the Gospel in Foreign Parts and your Pet<sup>rs</sup> have laid a very fair foundation of instructing great numbers of the Inhabitants there, in the Doctrine and Worship of the Church of England, who are of themselves very desirous of embracing the Church of England Worship as established by Law, and wherein they should have made a much greater progress but for the oppressions and hardships which they continually received from the Independants in the said Province which they continue daily to exercise towards your Pet<sup>rs</sup> and all that become Members of their Congregations by unwarrantably rating and assessing them for the support and maintenance of the Independant Teachers and for the repairing and building the Independant Meeting Houses, and in default of payment by distraining their goods and laying their persons in actual imprisonment and using all methods possible to discourage the Inhabitants from embracing our Government, Doctrine and Liturgy, whereby the Members of our Churches are miserably distressed by the force and violence that is used upon their persons and estates in case of the least refusal or delay to contribute to the support of the Dissenting Teachers and their Meeting houses and on which account at least thirty of the Members of the Church of England have been imprisoned at one time in one town, and which your Pet<sup>rs</sup> humbly represent to Your Majesty as the greatest obstacle to the increasing of the Members of the Church of England in that Province, It not being to be expected that though in their hearts the Inhabitants are entirely disposed to the Doctrine of the Church of England, That they should openly come into that profession under which (as matters now stand) they cannot have protection, but are liable to imprisonment and all the distresses of the persecuting Resentments of the Governing power there, which is vested in the Independants, with whom the Church of England Professors are not at present even upon a level, Such is\* the unhappy circumstances of the Established Church of England in this Province, Whereas were such of the Inhabitants who according to their own desire should become Members of the Church of England exempted and protected from rates to the Independant Teachers, there is great reason to believe many would be daily added to the Church, and by that means the Church enlarged and Your Majesty's supremacy in Ecclesiastical affairs be acknowledged, which at present is but too much neglected in that Province.

That therefore and as the said Acts in the rigid manner in which they are put in execution may affect the lives as well as the consciences, religion, liberties & properties of your Pet<sup>rs</sup> and their Congregations, and your Pet<sup>rs</sup> being still apprehensive of greater sufferings They most humbly beg leave to lay the said Acts before your Majesty in Council for your Royal consideration thereof pursuant to the directions of the said Charter and humbly

submit it to Your Majesty's consideration whether the same are warranted by their Charter and humbly hope your Majesty will be pleased to repeal the same (amongst several others) for the following reasons, viz:—

First in regard no National or Provincial Church is by the said Charter established in the said Province, but an extensive and universal liberty of conscience is thereby given and preserved to all Sects & Denominations of Christians inhabiting the said Province (Papists only excepted) and no one sect preferred above the other by the said Charter in respect to Church Power and Government a free liberty of Conscience being the principal foundation of the said Charter.

Secondly in regard the said Acts tend in the strictest manner to the suppression of a free liberty of conscience expressly granted by the said Charter and in direct opposition thereto sett up Independancy above your Majesty's other Protestant subjects in general and of their Mother Church in particular, to which your Pet<sup>rs</sup> belong and instead of disposing matters so as that all your Majesty's subjects there may be peaceably and religiously governed and protected and preserving to them their free Profession and securing and maintaining Liberty of Conscience to all your Majesty's Protestant Subjects, the said Acts in the execution and consequences of them entirely take away all Liberty of Conscience, the security of Religion and invade the Civil Liberties and Properties and the rights and privileges granted to all Your Majesty's Protestant Subjects by the said Charter.

Thirdly in regard the General Court have not by the said Charter (as your Pet<sup>rs</sup> humbly apprehend) any power to make any Laws imposing anything relating to any particular form of Divine Worship, especially to assess the Protestants of one Denomination in support of those of another they being only empowered by the Charter (as your Pet<sup>rs</sup> humbly apprehend) to make assessments for your Majesty's service in the necessary Defence and Support of the Government, and not for the support of a Teacher of any particular opinion whatever which is conceived to be directly contrary to the end the Charter had in view, and if the Charter had given any further power, Your Pet<sup>rs</sup> humbly apprehend it is not to be supposed the Charter would have preferred Independent Teachers (which are all along meant by learned and Orthodox Ministers in the said Acts) before the Church of England Ministers and therefore should these Acts enure they will effectually deprive Your Majesty's subjects there of the Liberty of Conscience granted them by the said Charter, in regard the said Legislature will construe none Orthodox but their own Independent Teachers.

Fourthly by these Laws and the rigid manner of carrying them into execution great distresses and discouragements are brought upon our Mother Church and the Inhabitants of the said Province, who would otherwise freely embrace the publick benefit of the Church of England are thereby greatly discouraged from openly professing themselves Members thereof, whereas if these Acts were repealed, and any Acts of the like nature prevented from being passed for the future, it is very reasonable to believe the Members of the Church of England would receive a daily increase and that by this means many flourishing Churches would be very soon effectually established amongst us.

Wherefore and for several other reasons and as the said Laws are apprehended to be contrary and repugnant to the Laws of England and should these Acts enure they would be of the most dangerous consequence not only to the Members of the Church of England in the said Province but also to your Majesty's other Colonies and Plantations abroad and that your Pet<sup>rs</sup> and all the Members of the Established Church of England in this Province may be freed from the payment of all rates for the maintenance of Teachers of any other Perswasion.

Your Petitioners for themselves and their suffering brethren most humbly pray your Majesty to take all the said several Acts before stated into Your Majesty's Royal Consideration and that Your Majesty will thereupon be pleased to pronounce Your Royal Negative and repeal the same and each of them, and that the proper and necessary directions may be given to prevent any Acts of the like oppressive nature from being passed for the future, and that Your Majesty will be pleased to make such further and other order in the Premises as Your Majesty in your great Wisdom and Goodness shall see fitting to provide

And Your Pet<sup>rs</sup> shall ever Pray &c<sup>th</sup>

[Indorsed] Reced 19<sup>th</sup> Octob<sup>r</sup> Read Nov<sup>r</sup> 9<sup>th</sup> 1727.

—*Ibid.*

“WHITEHALL, Thursday, Nov<sup>r</sup> 9<sup>th</sup> 1727.

At a Meeting of his Majesty's Comm<sup>s</sup> for Trade and Plantations. Present Mr Chetwynd. Mr Dominique. Mr Pelham. Mr Bladen Sr<sup>o</sup> Orl<sup>o</sup> Bridgman Mr Cary

An Order of the Lords of the Committee of Council dated the 14<sup>th</sup> of July 1727 referring to this Board the Petition of the Rev<sup>d</sup> Mr Cutler, Mr Miles and other Clergymen of the Church of England, against several Acts of the Massachusetts Bay, was read; whereupon ORDERED, that the said Acts be laid before the Board to-morrow morning.

(signed)

ORL<sup>o</sup> BRIDGEMAN”

—Pub. Rec. Office: “Trade papers (Journals),” vol. 31, p. 250.

“WHITEHALL, Fryday, Nov<sup>r</sup> 10<sup>th</sup> 1727.

At a Meeting of His Majesty's Comm<sup>s</sup> for Trade and Plantations. Present Mr Chetwynd. Mr Dominique. Mr Pelham. Mr Bladen. Sir Orl<sup>o</sup> Bridgman. Mr Cary.

Their Lordships took into consideration the Acts pass'd in the Massachusetts Bay ordered yesterday to be look'd out, Viz<sup>t</sup>

An Act for the Settlement and Support of the Ministers and Schoolmasters.

An Act for the explaining & altering some Clauses and Sentences, and the repealing of some others contained in several Acts, made and pass'd at the second Session of this Court in Octob<sup>r</sup> last, 1692.

An Act in further addition to the Act for the settlement and support of Ministers.

An Act in addition to an Act pass'd in the 1<sup>st</sup> year of Queen Ann, Intituled, An Act for more effectually providing for the support of the Ministry, whereupon ORDERED, that the

(1692-3, chap. 26.)

(1692-3, chap. 46.)

(1695-6, chap. 8.)

(1718-19, chap. 1.)

Bishop of London be acquainted that the Board are desirous of speaking with him thereupon, on Tuesday morning next.

(signed)

ORL<sup>o</sup> BRIDGEMAN

—*Ibid.*, p. 250.

“WHITEHALL Tuesday Nov<sup>r</sup> 14<sup>th</sup> 1727

At a Meeting of His Maj<sup>ty</sup>s Comm<sup>rs</sup> for Trade and Plantations. Present The L<sup>d</sup> Bishop of London. M<sup>r</sup> Chetwynd. M<sup>r</sup> Doeminiue. M<sup>r</sup> Pelham. M<sup>r</sup> Bladen S<sup>r</sup> Orl<sup>o</sup> Bridgman, M<sup>r</sup> Cary

Their Lordships taking again into consideration the Order of the Lords of the Committee upon the petition of several Clergymen in the Massachusetts Bay mentioned in the Minutes of the 9<sup>th</sup> Instant, as also the several Acts therein refer<sup>d</sup> to, read at the last meeting, and their Lordships observing that three of them have been confirm<sup>d</sup>, gave directions for writing to M<sup>r</sup> Attorney and M<sup>r</sup> Solicitor Gen<sup>l</sup> for their opinion whether the said Acts are repugnant to the Charter of the Massachusetts Bay and if they are so, whether it be not in the King's power to repeal the same.

(signed)

ORL<sup>o</sup> BRIDGEMAN

—*Ibid.*, p. 254.

“*Sec. Popple to Attorney & Solicitor Gen<sup>l</sup> 14th Nov. 1727.*

To M<sup>r</sup> Attorney }  
Mr Sol<sup>r</sup> } Gen<sup>l</sup>

Gentlemen, By directions from the Lords Comm<sup>rs</sup> for Trade & Plantations, I send you inclos<sup>d</sup> y<sup>e</sup> Copy of a Petition refer<sup>d</sup> to their Lord<sup>sh</sup>s by His Majesty in Council, relating to certain Grievances complain<sup>d</sup> of by the Clergy of the Church of England residing in y<sup>e</sup> Massachusetts Bay, and praying that certain Acts of Assembly mention<sup>d</sup> in y<sup>e</sup> sd Petition may be repeal<sup>d</sup>, for the reasons therein alledged; Whereupon I am to acquaint you, that three of the Acts in Question, have long since received the Royal Assent, Viz<sup>t</sup>

An Act for the settlement and support of the Ministers and School Masters.

An Act for y<sup>e</sup> explaining & altering some Clauses and Sentences and the repealing of some others contain<sup>d</sup> in several Acts made & pass<sup>d</sup> at y<sup>e</sup> second Session of this Court, in Octobr last, 1692.

An Act in further addition to the Act for y<sup>e</sup> settlement & support of Ministers.

But the Petitioners alledge that these Acts are directly contrary to y<sup>e</sup> scope of y<sup>e</sup> Charter, which is y<sup>e</sup> foundation of y<sup>e</sup> Constitution and Legislature of that Province.

Wherefore their L<sup>ds</sup>hips desire you would be pleas<sup>d</sup> to give them your opinion, whether these Acts are repugnant to the Charter, and if they are so, whether it be now in the King's power to repeal them.

With the Copy of the Petition I send you the Laws and Charter of the Massachusetts Bay, I am Gentlemen your most humble Serv<sup>t</sup>

ALURED POPPLE

Whitehall Nov<sup>r</sup> 14<sup>th</sup> 1727.”

—“*New Eng.; Board of Trade,*” vol. 39, p. 13, in *Pub. Rec. Office.*

“WHITEHALL Wednesday May 21<sup>st</sup> 1729.

At a Meeting of His Majesty's Comm<sup>rs</sup> for Trade and Plantations Present Earl of Westmorland. M<sup>r</sup> Pelham M<sup>r</sup> Bladen M<sup>r</sup> Ashe Sir Tho: Frankland

ORDER<sup>d</sup>, That a letter be writ to M<sup>r</sup> Attorney & Sol<sup>r</sup> Gen<sup>l</sup> to remind them of the letter sent to him by the Sec<sup>ry</sup> the 14<sup>th</sup> of Nov<sup>r</sup> 1727 for their opinion relating to certain Grievances complain<sup>d</sup> of by the Clergy of the Church of England residing in the Massachusetts Bay.”

—*Pub. Rec. Office*: “*Trade papers (Journals),*” vol. 33, p. 131.

“*Sec. Popple to Attorney & Solicitor General 21 May 1729.*

To M<sup>r</sup> Attorney and M<sup>r</sup> Solicitor General

Gentlemen,—By Order from my Lords Com<sup>rs</sup> for Trade & Plantations, I sent you with my Lett<sup>r</sup> of the 24<sup>th</sup> of November 1727, the copy of a Petition refer<sup>d</sup> to their Lordships by Order of Council, relating to certain Grievances complain<sup>d</sup> of, by the Clergy of y<sup>e</sup> Church of England residing in the Massachus: Bay and praying that certain Acts of Assembly mentioned in the same petition might be appeal<sup>d</sup>.”

I am command<sup>d</sup> to remind you of my said letter, and to desire your opinion in point of law upon the Questions therein stated. I am Gentlemen your most humble & most obedient Serv<sup>t</sup>

ALURED POPPLE

Whitehall, May y<sup>e</sup> 21<sup>st</sup> 1729.”

—“*New Eng.; Board of Trade,*” vol. 39, p. 198, in *Pub. Rec. Office.*

“At the Council Chamber Whitehall the 1<sup>st</sup> day of November, 1731.

By a Committee of the Lords of His Majesty's most Hon<sup>ble</sup> Privy Council His Majesty having been pleas<sup>d</sup> by his Order in Council of the 28<sup>th</sup> of last month, to refer unto this Committee the humble Petition of the Reverend Timothy Cutler Minister of the Church of England as by Law established, now resident in Boston in the Province of the Massachusetts Bay in New England, on behalf of himself and the rest of the Clergy of the church of England, resident in the said Province, and the severall Congregations of the Church of England in the said Province, complain<sup>d</sup> of severall Acts past in the said Province, subjecting the Members of the Church of England to pay to the support of the Ministers of other Perswasions—And humbly praying that the said Acts may be repealed as not being warrant<sup>d</sup> by the Charter of the Province and that the Governor for the time being may be strictly enjoyned not to pass any Act for the future whereby any such Tax shall be laid And that His Majesty will be pleas<sup>d</sup> to make such further and other Order in the Premises as His Majesty in his great Wisdom & Goodness shall see fitting to provide—The Lords of the Committee this day took the same into their consideration and

are hereby pleased to refer the said Petition (a copy whereof is hereunto annexed) to the Lords Commissioners for Trade and Plantations to examine into the same and report to this Committee what they think proper to be done therein. W. SHARPE."

—*Ibid.*, vol. 19, A. a. 1.

"To the Kings most Excellent Majesty in Council The Humble Petition of the Reverend Timothy Cutler, Minister of the Church of England as by Law established now resident in Boston in the Province of the Massachusetts Bay in New England on behalf of himself and the rest of the Clergy of the Church of England resident in the said Province and the severall Congregations of the Church of England in the said Province Sheweth

That your Pet<sup>r</sup> and severall others a considerable time since preferred their humble Petition to your Majesty's late Royall Father in Council praying for the reasons therein contained the repeal of severall Acts of Assembly in the said Petition particularized which had been passed by the said Province to the very great prejudice and oppression of the Members of the Church of England obliging them to pay to the support of the Presbyterian & Independant Teachers who the Assembly of the said Province have taken upon 'em to establish as the Ministry of the said Province in direct opposition to the Charter of the said Province the principal Foundation of which is a liberty of conscience to all Christians except Papists which Petition His late Majesty was pleased by Order in Council to refer to the Right Honble the Lords Comms for Trade & Plantations who have not yet made any Report thereon occasioned as Your Petitioner humbly conceives by the Assembly of the said Province having so soon as they were informed of the said application passed an Act entitled "*An Act in addition to the severall Acts for the settlement and support of Ministers*" whereby after imposing a General Tax on all the Inhabitants of every Town Parish or Precinct for the support of the Ministry of each Town Parish or Precinct It is provided that all Members of the Church of England who reside within five miles of a Society of the Church of England where there is a person in Orders according to the rules of the Church of England settled & abiding among them and performing Divine Service so that such Members of the Church of England can conveniently and do usually attend the Publick Worship there that then and in such case the Taxes collected of such persons is<sup>d</sup> directed to be paid unto such Minister of the Church of England But in case of any Deficiency happening by such payments to the Ministers of the Church of England in the Salary covenanted to be paid by any Town Parish or Precinct to the Ministers of the Churches therein by Law established It is then and in such case enacted that such deficiency shall be made up within two months by such Town Parish or Precinct generally which will take in all the Members of the Church of England.

(1727-28, chap. 7.)  
Massachusetts:  
Acts 100  
Gray's 240  
1727, chap. X.

That your Pet<sup>r</sup> humbly conceives it was apprehended this Act would in a great measure free the Members of the Church of England in the said Province from the many oppressions brought upon 'em by the severall Acts complained of and prayed to be repealed by their said former Petition, But Your Pet<sup>r</sup> most humbly informs your Majesty that it is very common for the people in New England to go ten or fifteen miles to Church so that this last Act by limiting the exemption to five Miles is very far from removing the grievance complained of.

And your Pet<sup>r</sup> humbly informs Your Majesty that James Ellis of the Town of Cambridge in the said Province of the Massachusetts Bay a Member of the Church of England and who hath a pew in your Pet<sup>r</sup> church at Boston where he duly attends the Divine worship of God & who pays towards the support of the said Church hath been greatly distressed and is now actually confined and imprisoned in Cambridge goal for not paying towards the support of the established Minister of that Town by reason that his place of residence is upwards of five miles distance from your Pet<sup>r</sup> said Church.

That Your Pet<sup>r</sup> further humbly submits to Your Majesty's wise consideration whether the said Act by subjecting the Inhabitants generally (which includes the Members of the Church of England) to make up all Deficiencies to the established Minister of each Town, Parish or Precinct does not make it the very same thing as if there was no Exemption at all.

That Your Pet<sup>r</sup> likewise most humbly submits to Your Majesty's consideration whether the Governor and Council of the said Province are warranted by their Charter to pass any Law whereby to tax the Members of the Church of England or of any other persuasion to the support and maintenance of the Ministers of what they have taken upon them to establish as the Provincial Church.

Your Pet<sup>r</sup> therefore for himself and his suffering Brethren most humbly prays Your Majesty that you would be graciously pleased to take the charter of the said Province as also the severall Acts complained of and prayed to be repealed by the said former Petition together with the above mentioned Act into your Royall Consideration and that Your Majesty will thereupon be pleased to annul or repeal the said Laws as being not warranted by the said Charter and will be pleased strictly to enjoin Your Governor of the said Province for the time being not to pass any Act for the future whereby any Tax shall be laid on the Members of any one persuasion for the support of the Ministers of any other Perswasion and that Your Majesty will be pleased to make such further and other Order in the Premises as Your Majesty in your great Wisdom and goodness shall see fitting to provide And Your Pet<sup>r</sup> shall ever pray &c.

[Indorsed] Recd Nov<sup>r</sup> 30<sup>th</sup> 1731 Read Jan<sup>y</sup> 5<sup>th</sup> 1731."

—*Ibid.*

"WHITEHALL Wednesday Jan<sup>y</sup> 5<sup>th</sup> 1731-2

At a Meeting of His Majesty's Comms for Trade and Plantations. Present M<sup>r</sup> Docmunique. M<sup>r</sup> Bladen M<sup>r</sup> Pelham. M<sup>r</sup> Ashe Sir O. Bridgeman

An Order of the Committee of Council dated the 1<sup>st</sup> of Nov<sup>r</sup> last referring to this Board



the Petition of Mr Cutler a Minister of the Church of England in behalf of himself and several others of the Clergy residing in the Massachusetts Bay complain<sup>g</sup> of several laws passed there which subject the Members of the Church of England to pay to the support of the Members of other persuasions, was read and Directions were given for referring the same to Mr Attorney & Sol<sup>r</sup> Gen<sup>l</sup> and for reminding them of the Secrys letter of the 14<sup>th</sup> of November 1727 referring to them the petition of several Clergymen in the Massach<sup>ts</sup> Bay upon the like subject”

—*Pub. Rec. Office: “Trade papers (Journals),” vol. 36, p. 5.*

“*Sec. Popple to the Attorney & Solicitor Gen<sup>l</sup> 6 January 1731-2.*”

To S<sup>r</sup> Philip York Kn<sup>t</sup> & Charles Talbot Esq<sup>re</sup> His Maj<sup>ty</sup>'s Attorney & Sol<sup>r</sup> General  
Gentlemen, The Lords of y<sup>e</sup> Committee of His Majesty's most Hon<sup>ble</sup> Privy Council having by their Order of the 1<sup>st</sup> of Nov<sup>r</sup> past referred to my Lords Commrs for Trade & Plantations, the Petition of the Rev<sup>d</sup> Timothy Cutler, Minister of y<sup>e</sup> Church of England, as by Law Established, now resident at Boston in y<sup>e</sup> Province of y<sup>e</sup> Massachusetts Bay, on behalf of himself & y<sup>e</sup> rest of y<sup>e</sup> Clergy of the Church of England, complaining of several Acts pass'd in y<sup>e</sup> sd Province, subjecting y<sup>e</sup> Members of the Church of England to pay to y<sup>e</sup> support of y<sup>e</sup> Ministers of other Persuasions My Lords Commrs command me to send you the inclosed Copy of y<sup>e</sup> sd Petition, w<sup>ch</sup> is to the like purpose as that transmitted to you with my letter of y<sup>e</sup> 14<sup>th</sup> of Nov<sup>r</sup> 1727, Their Lordships likewise command me to send you y<sup>e</sup> copy of an Act passed in y<sup>e</sup> sd Province of y<sup>e</sup> Massachusetts Bay in 1727, Intituled An Act in addition to y<sup>e</sup> several Acts for the settlement & support of Ministers & to desire your Opinion thereupon in point of Law as soon as conveniently may be & that you will at the same time let their Lord<sup>sh</sup> have your Rep<sup>t</sup> as desired by my foresd letter of the 14 November 1727

I am Gent<sup>n</sup> Your most humble Serv<sup>t</sup>

A. POPPLE

WHITEHALL Jan<sup>y</sup> 6<sup>th</sup> 1731-2.”

—“*New Eng. ; Board of Trade,” in Pub. Rec. Office, vol. 40, p. 30.*”

*Chap. 14.* “Decem<sup>r</sup> 19, 1727. John Stoddard Esq<sup>r</sup> from the Committee appointed to project a Method to oblige the Purchasers of Hassanimisco Lands to comply with the conditions of the Purchase, gave in the following report; Viz.

The Committee having considered the several Articles & Conditions on which the Petitioners for Hassanimisco have Liberty to purchase a Tract of Land commonly known by that Name of the Indians Proprietors thereof, are humbly of Opinion, That the Petition<sup>rs</sup> before the Execution of their Deeds, shall each one for himself respectively be bound to the Trustees appointed for the said Indians, & their successors with Sureties for Paying a Forty ninth Part of the Cost of building a Meeting House convenient for the publick worship for themselves & nine English Families already settled in Hassanimisco, & the Indian Inhabitants of said Hassanimisco, as also for Paying the same Proportion for building a School House convenient for the teaching to read & write the Children of the same Inhabitants as well Indians as English, & that they set a Part Twenty Acres of said Land for the Use of said School to remain for said Service forever, & also for paying the same Proportion for & towards the settling a learned orthodox Minister, & for setting forth to the said Minister a Lot of Land equal to the other Allotments, to be his own as soon as he takes Office among them, & likewise the building for himself said Petition<sup>r</sup> a convenient Dwelling House & breaking up four Acres of Land in the Lott or Dividend that shall be apportioned & set off to him; All to be within the Time and according to the Limitations in the Act of the Great & General Court relating thereto in their present Session; And for as much as there are nine English Families already settled on Lands in Hassanimisco, that will be accommodated by the Meeting House, School House, Minister, & School Master in said Hassanimisco, as above, The Committee humbly propose that the said nine Families be by an Act of this Great & Gen<sup>l</sup> Court required to pay a Forty ninth Part each to & for erecting & finishing said Meeting House, & to & for the Support of said Minister & School master, And in as much as the Maintaining said Minister & School Master are to be from Generation to Generation, & consequently not so proper for Condition in a Bond, The Committee humbly conceive that in the afore said Act of this Great & General Court, the said forty Petitioners with the other nine English Inhabitants shall be obliged from Time to Time for ever here after to maintain a Minister and School Master for the Indians & their Children, without Cost or Charge to the said Indians or their posterity.

(Sign'd)

JOHN STODDARD per Order.

In Council, Read & Accepted;—In the House of Represent<sup>ves</sup> Read & Concur'd;—  
Consented to, W<sup>m</sup> DUMMER.”

—*Council Records, vol. XIII., pp. 490, 491.*

*Chap. 17.* Several attempts during this and the previous year, were made, by successive Assemblies, to increase the currency. Some bills looking to this end passed the House, but were not concurred in by the Council. Two others which passed both branches, were not assented to by the Lieutenant-Governor because of the omission of a clause therein, required by the Royal instructions, postponing their operation until after they should have been approved and confirmed by the Privy Council. The latter of these bills, designed to accomplish, indirectly, the object above named, was passed at this session under the title of “*An Act directing the repairing, rebuilding and erecting of fortifications within several maritime towns in this province,*” but was negatived by the Lieutenant-Governor, after he had submitted to the Council the question of its compatibility with his instructions, and after the Council had, somewhat evasively, declined to advise him to assent thereto. Chapter 17 was ingeniously framed to effect the purpose above named, without directly violating the letter of the Royal instructions on the one hand, and, on the other hand, without conceding to the Privy Council authority to pass upon the fitness and



legality of the acts of the Provincial Legislature before those acts had gone into operation here.

On the same day that the House returned their last message to the Lieutenant-Governor concerning his refusal to assent to the bill providing for the repairing, &c., of fortifications, and immediately succeeding the record of that message, the following entry appears:—

“February 16, 1727-28.—A Bill entitled An Act for raising & settling a publick Revenue for & towards defraying the necessary Charges of the Govern<sup>t</sup> by an Emission of Sixty Thousand Pounds in Bills of Credit on this Province,

Having been read three several Times in the House of Representatives & there pass’d to be Engross’d,

In Council; Read three several Times & Pass’d a Concurrence.”

—*Council Records*, vol. XIV., pp. 45, 46.

Four days later we find the following record:—

“February 20, 1727-28.—The Secretary carried down the following Message from His Honour the Lieuten<sup>t</sup> Govern<sup>r</sup> to the House of Represent<sup>ves</sup>,

Gentlemen of the House of Represent<sup>ves</sup>.—It is a great Unhappiness to me That I cannot find my way clear to sign the Bill entitled An Act for raising & settling a Revenue, Upon which I have asked the Advice of His Majestys Council; & received their Answer as follows;

Gentlemen, I find it necessary in Order to my Signing the Bill entitled An Act for the raising & settling a Revenue &c Which is pass’d both Houses, to have your Advice Whether I can sign the said Bill without the Breach of the Instruction of the Lords Justices of Great Britain, dated the 27<sup>th</sup> of Septem<sup>r</sup> 1720, & the Order of the Lords Commissioners of Trade & Plantations Dated the 8<sup>th</sup> of February 1726-7

Febr. 17. 1727

W<sup>m</sup> DUMMER.

In Council, Febr. 19. 1727; Read, & the Council having already as they are one Part of the General Court, pass’d a Concurrence with the Hon<sup>ble</sup> House of Represent<sup>ves</sup> upon the said Bill, cannot think it proper for them to give Your Honour any further Advice thereupon, Nor do they apprehend the Oath of a Councillor obliges them thereto: At the same Time, they can not but think it will be for the Good and Welfare of the Province & the necessary Support of the Govern<sup>t</sup> thereof if the Bill be consented to by Your Honour.—

J. WILLARD, Secry.

I have this satisfaction however That I have done my Duty to His Majesty in this Affair, with a sincere Desire at the same time (If possible) to have answered the earnest Expectation of the House

In the House of Represent<sup>ves</sup> Whereas the House received this Day a Message from His Honour the Lieuten<sup>t</sup> Govern<sup>r</sup> in which was the following Question proposed by His Honour to the Council and their Answer thereto [The said Question & Answer as above enter’d were here particularly recited] Nowaltho this House agree with the Hon<sup>ble</sup> Board, that they are not bound to give Advice to His Honour, in passing a Bill on which they have given their Opinion, as Part of the Legislature: Yet without assuming to direct the Hon<sup>ble</sup> Board we would take Liberty to observe that they have given Advice in a like Case, January 26<sup>th</sup> last past. And for as much as His Honour the Lieuten<sup>t</sup> Governor has now asked, & press’d for their Advice and seems inclined to sign the Bill, if the Hon<sup>ble</sup> Board should be of Advice to him in it: Which Bill the Hon<sup>ble</sup> Board declare to be for the Good & Welfare of the Province & Support of the Govern<sup>t</sup> thereof: Therefore the Represent<sup>ves</sup> would move That the Hon<sup>ble</sup> Board would be pleased to reconsider their Vote of Advice upon the Bill for Fortifications; It being, as they apprehend, inconsistent with the good Resolution of the Hon<sup>ble</sup> Board above recited; And then come into such a Conclusion as may make the Way clear for His Honours Consenting to this Bill for raising and settling a publick Revenue &c.”

—*Ibid.*, pp. 49, 50.

The same day the bill passed to be enacted in both Houses; and the next day it was signed by the Lieutenant-Governor “Agreeable to the Opinion of the Council, as enter’d in the Council Book Tuesday Dec. 20. 1727.” This entry, which is given below, appears among the records of the executive doings of the Council, the volumes of which are not numbered; the date however is February and not December.

“Tuesday Feby 20. 1727. After His Honour the Lieut<sup>t</sup> Governour was withdrawn, Upon a Motion being made & seconded, The Board reassumed the consideration of the case proposed by His Honour & their answer, as entered the 17<sup>th</sup> & 19<sup>th</sup> instant, And after Debate had thereon, came to the following Resolution; Vizt.

The Council having already (as they are one part of the General Court) passed a concurrence with the Hon<sup>ble</sup> House of Representatives upon the Bill entitled An Act for raising & settling a Revenue &c cannot think it proper for them to give your Honour any further advice thereupon, nor do they apprehend the oath of a Councillor obliges them thereto; at the same time they cannot but think it will be as well for His Majestys Honour & Service and agreeable to your duty to His Majesty as for the good and welfare of the Province & the necessary support of the Govern<sup>t</sup> thereof, If the Bill be consent’d to by your Honour.”

—*Executive records of the Council*, Feb. 1727-28, p. 23.

The following account of the passage of this act is from Lt.-Gov. Dummer’s letter to the Lords of Trade:—

“Boston 12<sup>th</sup> March 1727 (-8.)

My Lords. Since my last to your L<sup>ds</sup>hips wee have had a long Session of the General Court of this Province, Cops of all the Votes Acts & Orders passed therein shall bee sent you as soon as the Secretary can prepare them who looses no time in copying them over. In perusing the s<sup>d</sup> Votes &c your L<sup>ds</sup>hips will perceive the great struggle that has been made for more Bills of Cred<sup>t</sup> which are insisted on as absolutely necessary for the support of the Government & the Trade & business of the Inhabitants: for which important occasions divers Bills have passed the House of Representatives & met with a non con-

currence at the Council. At length a Bill entitled an Act for Fortifications &c passed both Houses, but the said Bill seeming to be inconsistent with Instructions from their Excellencies the Lords Justices d<sup>d</sup> Sept 27<sup>th</sup> 1720 & also with the Instructions from your Lordships dated Feb<sup>y</sup> 8<sup>th</sup> 1726–7 signed by Mr Popple, I thought it necessary to take the advice of His Maj<sup>ty</sup> Council of this Province thereon who gave it their opinion that the s<sup>d</sup> Bill was inconsistent with s<sup>d</sup> Instructions, notwithstanding that they had before passed a concurrence on it (as they say) in another capacity: upon w<sup>ch</sup> I rejected the Bill. After that another Bill was projected & passed both Houses intituled an Act for raising & settling a publick revenue for & towards the defraying the necessary charges of this Government which Bill being for an emission of sixty thousand pounds, altho' it was for raising a revenue for the support of the Government, yet the intrest only being to be apply'd for that service I thought it necessary to summons all the Council of the Province (whereof 23 appeared) to take their opinion upon it with reference to the aforementioned instructions, & their Answer I now inclose to y<sup>r</sup> L<sup>ds</sup>hips Upon which I shall only observe that tho' they mention in the first part thereof that they don't think themselves obliged to give any further advice on the s<sup>d</sup> Bill then what they expressed by their concurrence to it as part of the Legislature, they nevertheless say as follows 'at the same time they cannot but think it will bee as well for his Majesty's Honour & Service & agreeable to your duty to his Majesty as for the good & welfare of the Province and the necessary support of the Government thereof if the Bill bee consented to by your Honor.' Upon w<sup>ch</sup> I passed the Bill conceiving myself in all difficult & doubtful cases most safe in psuing the advice of His Maj<sup>ty</sup> Council, w<sup>ch</sup> if it bee agreeable to your L<sup>ds</sup>hips sentiments as I have always endeavoured to conforme myselfe, I shall have greater satisfaction. \* \* W<sup>m</sup> DUMMER

[Indorsed] Rec<sup>d</sup> May 14 Read May 24 1728.

—“*New England; Board of Trade*,” in *Public Record Office*, vol. 15, Z. 20.

The following suggestion, extracted from a letter to the Lords of Trade by Governor Burnet, who succeeded Dummer (arriving in Boston July 13, 1728), induced the Board to pass the resolution which is given below. But as by this resolve their further consideration of the act was postponed until after a copy thereof should have arrived, and as we have seen that on the fourth of July previous the Secretary of the Board had already transmitted to Mr. Fane the only copy which the Secretary of the Province was required to forward, these facts sufficiently explain why no further action by the Home Government upon this chapter can be found.

“BOSTON, 26 October 1728

My LORDS, I now send to your Lordships the Votes of the Assembly published since my last of the 30th Sept<sup>r</sup> \* \* \* \*

I would now beg leave to propose to your Lordships two Expedients that I humbly apprehend will be necessary to bring this people to reason and their duty and without which I fear that His Majesty's authority here will be treated with very little respect.

First I hope your Lordships will think fit to move his Majesty for a disallowance of the *Act for raising and settling a publick revenue for and towards defraying the necessary charges of this Government by an emission of sixty thousand pounds in Bills of Credit on this Province* but at the same time because it will create a good deal of confusion if this disallowance should be final I hope your Lordships will move at the same time for leave to reenact the whole substance of the Act providing the interest of four per cent be therein applied to the salary of the Governour for the time being so that it may be issued for that purpose by warrants from the Governour in Council as it comes into the Treasury.

My Lords,

Your Lordships most dutifull and  
most obedient humble Servant

W. BURNET.

The Secretary has acquainted me that he has transmitted to your Lordships the Acts of the 1<sup>st</sup> of his present Majesty's Reign under the seal of the Province the last of which Acts is that for emitting £60,000 Bills &c.

[Indorsed] Reced. Dec<sup>r</sup> 10<sup>th</sup> Read Dec<sup>r</sup> 11<sup>th</sup> 1728.”

—*Ibid.*, Z. 32.

“WHITEHALL, Wednesday, Dec<sup>r</sup> 18<sup>th</sup> 1728

At a Meeting of His Majesty's Commrs for Trade and Plantations. Present M<sup>r</sup> Dominique. M<sup>r</sup> Pelham. M<sup>r</sup> Bladen Sir O. Bridgeman M<sup>r</sup> Cary.

The Letter and Papers from M<sup>r</sup> Burnet, Governor of Massachusetts Bay mentioned in the Minutes of the 11<sup>th</sup> Inst. being again laid before the Board, Their Lordships resolved to proceed further in the consideration thereof, when the Act passed in that Province in 1727 for emitting £60,000 in Bills of Credit mentioned in M<sup>r</sup> Burnet's said letter to be transmitted by the Secretary shall arrive. (signed) ORLANDO BRIDGEMAN”

—“*Trade papers (Journals)*” in *Pub. Rec. Office*, vol. 32, p. 289.

(a.) “February 21. 1727. In the House of Representatives. RESOLVED that the Committee appointed by this Court for signing Bills of Credit be & hereby are directed to print off & finish in Bills of Credit on this Province as soon as may be the Sum of Twenty Thousand Pounds, Seventeen Thousand Pounds, part thereof from the Plate of the highest Denomination, Two Thousand Pounds, Part thereof from the Plate of the middle Denomination, That the Committee be also directed to put some plain Mark to distinguish the Ten shilling Bills which shall now be struck off from those already issued, & One Thousand Pounds, the Residue & remaining Part thereof from the Plate of the lowest Denomination, and deliver the same when finished to the Treasurer, taking his Receipt for them; The said Committee to be paid for their Service as for the Bills last made, & the Bills to be issued out as this Court shall order.

In Council; Read & Concur'd;

—*Council Records*, vol. XIV., p. 63.

Consented to, W<sup>m</sup> DUMMER.”

(b.) "Jan. 13 1727. In the House of Representatives RESOLVED that the Treasurer be & hereby is impowered & directed to issue forth & emit the Sum of Twelve Thousand Pounds of Bills of publick Credit on this Province for the necessary Defence & Support of this Government & the Protection & Preservation of the Inhabitants thereof: The said Twelve Thousand Pounds being already in the Hands of the Treasurer & received for Taxes, Impost &c. to be issued out & disposed of by Warrant under the Hand of the Governor or Commander in Chief for the Time being with the Advice & Consent of the Council, Eleven Thousand five Hundred Pounds whereof shall be applied for the Uses, Intents & Purposes in this Resolve hereafter expressed; viz, For the Payments of all Grants, Premiums & Stipends established by Law, for the defraying & paying the Charges of Castle William & the other Forts & Garrisons, Transports, Muster Rolls of Soldiers & Sailors, Allowances &c, & all other Accounts of Charges allowed & pass'd on for Payment by this Court, And the Sum of Five Hundred Pounds being the Residue & remaining Part of the said Twelve Thousand Pounds shall be employed for the Payment of Expresses dispatch'd in the Service of this Government in the Recess of this Court together with all necessary unforeseen Charges that demand prompt Payment, which shall arise in the Recess of this Court as aforesaid: *Provided always* that the several Draughts made on the Treasurer as aforesaid shall express & declare out of which of the two Sums aforementioned the Money is to be paid; And the said Bills shall pass out of the Treasury at the Value therein expressed equivalent to Money & shall be so taken and accepted in all publick Payments: And that the Duties of Impost & Excise together with all other publick Incomes shall be a Fund & Security for the Payment & drawing in the said Bills into the Treasury again so far as the same will reach: And as a further Fund & Security for the same,

It is further RESOLVED that there be & hereby is granted unto His most Excellent Majesty for the Ends & Uses aforesaid & for no other Ends & Uses whatsoever a Tax of Twelve Thousand Pounds to be levied upon Polls & Estates both real & personal within this Province according to such Rules & in such Proportion upon the several Towns & Districts within the same as shall be agreed on & ordered by the Great & General Court or Assembly of this Province at their Session in May 1737 & paid into the Treasury on or before the first Day of December next after.

In Council, Read & Concur'd:—

Consented to, WM DUMMER."

—*Ibid.*, p. 1.

(c.) "June 13, 1728. In the House of Representatives. RESOLVED that the Committee that made the last Bills be & hereby are directed to print off & finish as soon as may be the Sum of Ten Thousand Pounds from the Plate of the Middle Denomination, & deliver the same when finished to the Treasurer of this Province taking his Receipt for them; The said Committee to be paid for their Service as for the Bills last made, & the Bills to be issued out as this Court shall Order.

In Council; Read & Concur'd—

Consented to, WM DUMMER."

—*Ibid.*, p. 86.



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# ACTS

PASSED 1728-29.

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# ACTS

PASSED AT THE SESSION BEGUN AND HELD AT BOSTON,  
ON THE TWENTY-NINTH DAY OF MAY, A.D. 1728.

## CHAPTER 1.

AN ACT IN ADDITION TO, AND FOR RENDRING MORE EFFECTUAL, AN  
ACT ENTIT[U]ED "AN ACT TO PREVENT CAUSELESS ARRESTS, &c."

WHEREAS,\* in and by an act made and pass'd in the thirteenth year of the reign of the late Queen Anne. entit[u]led "An Act to prevent causeless arrests, &c.," it is enacted "that every person, principal or attorney, executor or administrator, taking out a writ or attachment against another, before he receive it out of the clerk's office, shall endorse his surname on the back thereof towards the bottom, and shall stand charg[e]able and be l[i][y]able to answer and pay to the adverse party his costs arising by the arrest, and charge of imprisonment (if any be), to be taxed in common form by the judges of the court where the writ is returnable, in case of non-prosecution, discontinuance, or that the plaintiff be nonsuit, or judgment pass against him, to be levied on the principal, the executor, administrator or attorney that endorsed or took out such writ, if the principal be without the province, or be unable to pay the same"; and whereas it hath so happened when any company or number of persons are joyned together in one suit, there is but one only, or not a majority of the plaint[iff]s that hath endorsed the writ, and thereupon such writ hath abated because all the plaintiffs therein named have not endorsed the same, nor their attorney in their names and behalf, which by experience hath b[ee][i]n found to be very prejudicial, especially with respect to the commissioners and trustees of the public-loan money, who seldom live together in the same town, but oftentimes very remote, so that it is exceeding difficult to get a writ endorsed by all the plaintiffs, especially when it so happens they are streightned in time; by means whereof there hath been a failure of justice, as well as loss and damage, not only to the publick but to particular persons, occasioned by the abatement of their writs, when the design of the law was only to secure the costs in case of non-prosecution, discontinuance, &c., as aforesaid; for redress whereof,—

Be it enacted by the Lieutenant-Governour, Council and Representatives in General Court assembled, and by the authority of the same,

That from and after the publication of this act, when any writ or attachment shall be taken out at the suit of more than one person, the endorsement of one of the plaintiffs, or his attorney, shall be sufficient in the law, as well to oblige the defendant to answer, as the endorser to pay the costs and charges arising on such suit, in case judgment be for the defendant or defendants; any law, usage or custom to the contrary notwithstanding. [Passed June 19; published June 24.]

Preamble.  
1714, chap. 3,  
§ 1.

One person endorsing a writ, &c., sufficient, in case.

## CHAPTER 2.

AN ACT FOR PREVENTING OF INJUR[IE][Y]S AND UNNECESSARY DELAYS TO THE PART[IE][Y]S WHO SHALL HEREAFTER BE CONCERNED IN SUITS AT LAW, AND FOR THE BETTER AND MORE SPEEDY EXECUTION OF JUSTICE.

Preamble.  
1699-1700, chap.  
4, § 7.

WHEREAS, heretofore, objections have been made by parties against whom judgment has b[ee][i]n given in the superiour and inferior courts respectively, to several of the articles charged in their bills of cost, for the attendance and travel of witnesses and otherwise, which bills have been frequently allowed long after the court's rising, and when the adverse parties have not b[ee][i]n present to make their just and reasonable objections to such articles; for prevention whereof for the future,—

*Be it enacted by the Lieutenant-Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

Bill of costs to  
be taxed imme-  
diately after  
judgment given.

[SECT. 1.] That when and so often as any persons shall obtain judgment in their favour at the inferior courts of common pleas, or superiour courts of judicature, they or their attorneys respectively shall, immediately after the recovery of such judgment, draw up their bills of cost, and, when they are examined by the clerks of the said courts respectively, present them to be taxed by one or more of the justices of the s[ai]d courts, and the adverse parties, or their attorneys, attending the courts, to be notified when the bill is to be taxed, that so they may make their objections, if any they have, to any of the articles charged in such bills, before the same be allowed; and no bill of cost shall be allowed after the court is adjourned without day, unless sufficient reason be given for such delay to the satisfaction of one or more of the justices of the court who shall be desired to tax such bill of cost.

Adverse party  
to be notified  
of it.

Exception.

Preamble.

And whereas it often happens that a great number of the judgments entered up at the inferior courts within this province, are appealed from by the defendants, who fail to prosecute their appeals to effect, at the superiour court appealed to, and thereupon the plaintiffs or their attorneys enter their complaints against the appellants or defendants at the said superiour courts, but commonly neglect to draw up and file their complaints, in order to have the judgments of the inferior court appealed from affirmed, until the last day of the sitting of the said superiour courts, by which method the complainants, or their attorneys, have the profit of many days' attendance, for which they are allowed in their bills of cost, and thereby throwing an unreasonable charge upon the defendants,—

*Be it therefore enacted by the authority aforesaid,*

Court to allow  
of the attend-  
ance charged  
in the bill.

[SECT. 2.] That in taxing bills of cost after judgment given upon a complaint at the superiour court, the complainant shall be allowed but so many days' attendance as the said court shall judge reasonable.

And, to the intent that no injustice may be done by an overcharge to the party against whom judgment shall be given,—

No person to  
receive charges  
of the suits,  
till the bill is  
taxed.

[SECT. 3.] No person obtaining judgment shall receive anything for charges of his suit till such time as the bill of cost be first taxed by one of the justices of the court who was present when the judgment was given; any law, usage or custom to the contrary notwithstanding.  
[Passed June 20; published June 24.]

## CHAPTER 3.

AN ACT TO ENABLE CREDITORS TO RECEIVE THEIR JUST DEBTS OUT OF THE EFFECTS OF THEIR ABSENT OR ABSCONDING DEBTORS.

FOR the better preventing of frauds and deceit, too often designed and practised by ill-minded debtors, in betraying and depositing their goods and effects in the hands of others with intent to reserve and secure them to their own use, and defeat their creditors of their just dues, withdrawing themselves out of the government, or not being inhabitants within this province, and their goods and effects concealed so as they cannot be attached, or made l[i][y]able to the payment of their creditors, by the ordinary process of law,—

Preamble.

1708-9, chap. 7.  
1715-16, chap. 18.  
1723-4, chap. 5.

*Be it enacted by the Lieutenant-Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

[SECT. 1.] That it shall and may be lawful to and for any creditor to cause the goods or effects of his absent or absconding debtor, not residing within this province, to be attached, in whose hands or possession soever the same are or may be found; and the attaching of any part thereof shall secure and make the whole that is in such person's hands l[i][y]able in the law to respond the judgment to be recovered upon such process, if so much there be, and no further; and shall be subjected to be taken in execution for satisfaction thereof, or so far as the value thereof will extend; and the person in whose hands they are shall expose them accordingly.

Goods and effects of absent and absconding debtors to be attached.

And subject to execution.

*And be it further enacted by the authority aforesaid,*

[SECT. 2.] That where no goods, effects or credits of an absent or absconding debtor, in the hands of his attorney, factor, agent or trustee, shall be exposed to view, or can be come at, so as to be attached, it shall and may be lawful to and for any creditor to file a declaration against his absent or absconding debtor, in the clerk's office of the inferior court of common pleas in the same county where such creditor lives, therein particularly setting forth his debt and [damage] [demand], how and for what cause it arises, and to cause the attorney, factor, agent or trustee of such absent or absconding debtor to be served with a summons out of the office, annexed to the said declaration, fourteen days before the setting of the court, for his appearance at such court, which being duly served, and return thereof made under the officer's hand, shall be sufficient in the law to bring forward a trial, without other or further summons, unless the debtor be an inhabitant, or hath for sometime had his residence within this province, in which case a like summons, with an attested copy of the declaration annex'd, shall also be left at his dwelling-house, lodging or place of his last and usual abode; and such attorney, factor, agent or trustee, upon his desire, shall be admitted to defend the suit, on behalf of his principal, throughout the course of the law; and an imparlance shall be granted of course, at three courts successively, that he may have opportunity to notify his principal thereof; and at the fourth term, without special matter alledged and allowed in bar, abatement or further continuance, the cause shall peremptorily come to trial; and if judgment be rendered for the plaintiff[i], all the goods, effects or credits of the debtor's, which are in the hands of such attorney, factor, agent or trustee, to the value of such judgment (if so much there be), shall be l[i][y]able and subjected to the execution granted upon such judgment, for or towards satisfying the same; and from the time of serving the summons as aforesaid, shall be l[i][y]able and secured in the law in his hands to answer the same, and may not be otherwise disposed of or converted.

Agent, &c., of absent debtor to be summoned to court, in case no effects appear.

Trial thereupon to be had.

Three imparlances to be granted.

Goods in such agent's hands subject to execution on a judgment.

Execution to  
be levied on  
agent's proper  
goods and es-  
tate, in case.

[SECT. 3.] And in case any attorney, factor, agent or trustee, from and after the time of his being served with summons and declaration as aforesaid, against his principal (being an absent or absconding debtor), shall transfer, remit, dispose of or convert any of the goods, effects or credits of such debtor in his hands at the time of such service, so that there shall not be sufficient to satisfy the judgment, the debt being afterwards ascertained by judgment of court, or that shall not discover, expose and subject the goods or credits of the debtors in his hands to be taken in execution for or towards the satisfaction of the judgment, so far as what is in his hands will extend, shall be [i] [y] able to satisfy the same of his own proper goods and estate, and as of his own debt; and a writ of *seire facias* may be taken out of the same court and served upon him, as the law directs, to appear and shew cause (if any he have) to the contrary, where upon default of appearance or refusal to disclose upon his oath (which oath the justices of such court are impowered to administer) what goods, effects or credits of the debtor are in his hands, and to what value, and to expose and subject the same to the execution granted upon the principal judgment, if any goods, effects or credits be in his hands, then judgment shall be entred up against him, of his own proper goods and estate, and execution be awarded accordingly.

Agent to be put  
on oath.

*Provided, nevertheless,*

Proviso.

[SECT. 4.] That if the person so summoned as aforesaid, had or have not any goods, effects or credits of the debtor in his hands, nor any ways remitted, disposed of or converted the same, from and after the serving of the first summons, the party who commenced the suit shall pay and satisfy the reasonable cost and charges occasioned to such person, to be taxed in common form by the justices of the court.

*And be it further enacted by the authority aforesaid,*

Agent to be  
acquitted and  
discharged.

[SECT. 5.] That the goods, effects or credits of any absent debtor, so taken as aforesaid, by process and judgment of law, out of the hands of his attorney, factor, agent or trustee, by any of his creditors, shall fully acquit and forever discharge such attorney, factor, agent or trustee, his executors or administrators, of, from and against all actions and suits, damages, payments and demands whatsoever, to be ask'd, commenced, had, claimed or brought by his principal, his executors or administrators of and for the same; and if any attorney, factor, agent or trustee shall be molested, troubled or sued by his principal for anything by him done in pursuance of this act, he may plead the general issue, and give this act in evidence; any law, usage or custom to the contrary notwithstanding.

*Provided,*

[SECT. 6.] This act shall continue in force until the last day of June, one thousand seven hundred and thirty-eight, and not afterwards. [Passed June 19; published June 24.]

## CHAPTER 4.

AN ACT TO EXEMPT PERSONS COMMONLY CALLED ANABAPTISTS, AND THOSE CALLED QUAKERS, WITHIN THIS PROVINCE, FROM BEING TAXED FOR AND TOWARDS THE SUPPORT OF MINISTERS.

Preamble.  
1702, chap. 10.

WHEREAS some of the inhabitants of this province called Anabaptists, and others called Quakers, refuse to pay any part or proportion of such taxes as are from time to time assessed for the support of the ministry in the several towns whereto they belong, alledging a scruple



of conscience for such their refusal; and thereupon frequent application has b[e][i]n made to this court for their relief,—

*Be it therefore enacted by the Lieutenant-Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

[SECT. 1.] That from and after the publication of this act none of the persons commonly called Anabaptists, nor any of those commonly called Quakers, that are or shall be enrolled or entred in their respective societ[ie][y]s as members thereof, and who alledge a scruple of conscience as the reason of their refusal to pay any part or proportion of such taxes as are from time to time assessed for the support of the minister or ministers of the churches established by the laws of this province in the town or place where they dwell, shall have their polls taxed towards the support of such minister or ministers; nor shall their bod[ie][y]s be at any time taken in execution to satisfy any such ministerial rate or tax assess'd upon their estates or faculty: *provided*, that such persons do usually attend the meetings of their respective societ[ie][y]s assembling upon the Lord's day for the worship of God, and that they live within five miles of the place of such meeting.

Polls of Anabaptists and Quakers not to be taxed for the support of ministers.

Nor their bodies to be taken in execution. Proviso.

*And be it further enacted,*

[SECT. 2.] That those persons commonly called Quakers shall make and subscribe before the court of general sessions of the peace in the county where they dwell, the declaration of fidelity required to be made by Quakers, in an act of parliament of the eighth year of King George the First, to the following purpose:—

Quakers to subscribe a declaration of fidelity.

I, A. B., do sincerely promise and declare that I will be true and faithful to King George the Second; and I do solemnly, sincerely and truly profess, testify and declare, that I do from my heart abhor, detest and renounce, as impious and heretical, that wicked doctrine and position that princes excommunicated or deprived by the Pope or any authority of the See of Rome may be deposed or mur[d]th[er]ed by their subjects or any other whatsoever. And I do declare that no foreign prince, person, prelate, state or potentate hath or ought to have any power, jurisdiction, superiority, pre-eminence or authority, ecclesiastical or spiritual, within the realm of Great Britain or any of his majesty's dominions.

And shall also, according to the direction of an act of parliament made in the first year of King William and Queen Mary, subscribe a profession of his Christian belief, in these words:—

I, A. B., profess faith in God the Father, and in Jesus Christ his eternal Son, the true God, and in the Holy Spirit, one God blessed forevermore; and do acknowledge the holy scriptures of the Old and New Testament to be given by divine inspiration.

And profession of Christian belief.

And, to the intent that such persons may be the better known,—

*Be it further enacted by the authority aforesaid,*

[SECT. 3.] That some meet persons, of one or the other denominations before mentioned, whom the justices of the sessions in each county shall appoint, be directed and impowered to bring into the court of general sessions of the peace that shall sit next after the first day of June annually, a list, upon their oath or solemn affirmation, of all persons within their respective towns or precincts that profess themselves to be Anabaptists or Quakers and usually attend their meetings as aforesaid; after which the clerk of the peace in each county shall give in to the assessors of each town or precinct a list of the names of each person who shall have b[e][i]n returned, upon oath or solemn affirmation, to the sessions in order to their being exempted as aforesaid.

List of Anabaptists and Quakers to be returned to the sessions.

*And be it further enacted,*

Assessors to  
assess the tax  
of persons ex-  
empt, on others,  
&c.

[SECT. 4.] That the assessors of each town or precinct, respectively, be and hereby are enabled and empowered to assess and levy, in proportion to the province tax, the whole ministerial rate as by contract or by order of the justices of the respective count[ie][y]s in the province, according to law, on the persons and estates of all others living and lying within such town or precinct not exprest by name in such list, to be taken as aforesaid.

*And be it further enacted by the authority afores[ai]d,*

Persons exempt  
not to vote in  
affairs relating  
to ministers,  
&c.

[SECT. 5.] That all persons by this act exempted as afores[ai]d, or that have been exempted by any former or other act of this province, from paying their part of any town, parish or precinct taxes assessed for and towards the settlement or support of the ministers of the churches established by the laws of this province, or towards the building any meeting-house for the publick worship of God where they are inhabitants, shall be and are hereby debarred from voting in any such affair; any law, usage or custom to the contrary notwithstanding.

Limitation.

[SECT. 6.] This act to continue in force for the space of five years, and no longer. [*Passed June 20; published June 24.*]

## CHAPTER 5.

AN ACT IN ADDITION TO AN ACT ENTITLED "AN ACT FOR PROVIDING OF POUNDS, AND TO PREVENT RESCOUS AND POUND BREACH."

Preamble.  
1698, chap. 6.  
1703-4, chap. 10.

WHEREAS in and by an act made and pass'd in the tenth year of the reign of King William the Third, entit[u]led "An Act for providing of pounds and to prevent rescous and pound breach," it is among other things enacted, "that there shall be a sufficient pound or pounds made and maintain[e]d from time to time in every town and precinct within this province, in such part or places thereof as the selectmen shall direct and appoint, &c.," but no penalty is therein set upon any town or precinct who shall neglect or refuse to make and maintain such pounds; for redress whereof,—

*Be it enacted by the Lieuten[an]t-Governour, Council and Represent[ati]ves in General Court assembled, and by the authority of the same,*

Penalty for not  
having pounds.

That every town and precinct within this province that shall neglect or refuse by the space of three months from and after the publication of this act to make and maintain a sufficient pound or pounds in such town or precinct, according to the direction in the aforescited act, shall forfeit and pay the sum of ten pounds; one half thereof to such person or persons as shall inform and sue for the same, and the other half to the poor of the town so neglecting or refusing; to be recovered by bill, plaint or information in any of his majest[ie][y]'s courts of record in the county where the offence shall be committed. [*Passed June 19.*]

## CHAPTER 6.

AN ACT IN ADDITION TO, AND FOR RENDRING MORE EFFECTUAL, AN ACT ENTIT[U]LED "AN ACT FOR THE UPHOLDING AND REGULATING OF MILLS," MADE AND PASSED AT A SESSION OF THE GREAT AND GENERAL COURT OR ASSEMBLY BEGUN AND HELD AT BOSTON, UPON WEDNESDAY, THE TWENTY-FIFTH DAY OF MAY, IN THE EIGHTH YEAR OF THE REIGN OF THE LATE QUEEN ANNE, ANNOQ[UE] DOMINI, 1709.

WHEREAS great complaint is made by the inhabitants of the towns of Boston and Charlestown, that they are misued by the millers in not grinding their corn seasonably, and oftentimes detaining it for a long time unground, to their great damage, and also that they are very much defrauded by the millers in taking an unreasonable toll.—

*Be it therefore enacted by the Lieutenant-Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

[SECT. 1.] That every miller within the towns of Boston and Charlestown, who shall not be provided with suitable scales and weights, sealed as the law directs, for weighing corn and meal in his mill, within the space of two months after the publication hereof, shall forfeit and pay the sum of ten pounds; the one half to his majesty, for and towards the support of this government, and the other half to him or them that shall inform [and] [or] sue for the same in any court of record in the count[ie][y]s of Suffolk or Middlesex.

*And be it further enacted,*

[SECT. 2.] That every miller in the towns of Boston and Charlestown, who shall not be provided with suitable scales and weights, sealed as the law directs, for the end[s] aforesaid, and shall continue in the neglect thereof after the expiration of the s[ai]d two months, shall forfeit and pay the sum of five pounds for every month he shall continue in such neglect, to be recovered and disposed of as is hereinbefore mentioned; and if any miller in the said towns of Boston or Charlestown, after the expiration of the s[ai]d two months, do or shall presume to take a greater quantity of toll than a sixteenth part, for any sort of grain by him ground, and be thereof convicted, he shall forfeit and pay for each offence the sum of five pounds, to be recovered and disposed of in manner as afores[ai]d; and if any miller in the said towns of Boston or Charlestown shall refuse to weigh corn, grain or meal brought to or carried from his mill, when desired, he shall, for every such refusal, forfeit and pay the sum of five shillings, to be recovered before any justice of the peace within the county[s] of Suffolk or Middlesex, by him or them that shall inform or sue for the same.

*And be it further enacted,*

[SECT. 3.] That when any of the inhabitants of the towns of Boston or Charlestown shall send any grain to be ground at the mills there for the use of their families, the miller or millers shall receive into the mills all such grain, and, within the space of three days at least, take care that the same be ground, on pain of forfeiting the sum of ten shillings for every such neglect, and the sum of five shillings more for every day such grain shall be unground: except in extraordinary cases the mill is prevented working; to be recovered before any of his majestie's justices of the peace in the counties of Suffolk or Middlesex. [Passed June 19; published June 24.]

## CHAPTER 7.

## AN ACT FOR ENCOURAGING THE RAISING OF FLAX WITHIN THIS PROVINCE.

*Be it enacted by the Lieutenant-Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

Premium for  
flax.

[SECT. 1.] That from and after the publication of this act, for the encouragement of the manufacturers of canvas and cordage, there shall be paid out of the publick treasury the sum of eighteen shillings and eightpence for every hundred and twelve pounds of water-rotted, well cured and clean-dressed flax of the growth of this province, that is brought to the surveyor or surveyors within any county; and so in proportion for a less quantity, not under fifty-six pounds' weight: the quantity and quality of flax to be certified to the treasurer under the hands of such skilful surveyor or surveyors as the governour or commander-in-chief, with the advice and consent of the council, shall from time to time nominate and appoint, who shall be paid by the vender one shilling for every hundred and twelve pounds they shall survey, and so in proportion for a greater or lesser quantity.

Quality of flax  
to be certified  
by the surveyor.

*And be it further enacted by the authority aforesaid,*

[SECT. 2.] That no flax shall be accounted merchantable within the intent of this act, but such as shall be bright, well cured, and water-rotted and cleansed from the swingle, fit for use, and so certified under the hand of one or more surveyor or surveyors, to be appointed as aforesaid.

Oath to be  
made that the  
flax has been  
disposed of in  
open market,  
&c.

[SECT. 3.] And such surveyor shall have an oath administer[ed] to them by the governour, or such person or persons as the governour, with the advice and consent of the council, shall appoint.

[SECT. 4.] And no person shall be entit[le]d to any premium for flax till he hath made oath before the treasurer of the province or surveyors to be appointed as aforesaid (who are hereby impowered to administer the same), that the said flax is *bonâ fide* the produce and growth of this province, and was raised by him, and has been accordingly disposed of in the open market, either at Boston or in any of the respective counties within this province, and that neither he nor any other person hath received the premium for the same, or any part thereof.

Additional pre-  
mium for a  
larger quantity.

*And be it further enacted by the authority aforesaid,*

[SECT. 5.] That if any one person shall bring to the market the quantity of two hundred twenty-four pounds' weight of flax, and shall make oath before the treasurer in manner as aforesaid, he shall be allowed four shillings and eightpence per hundred over and above what is before allowed by this act.

Surveyor to  
certify that  
oath is made.

*And be it further enacted,*

[SECT. 6.] That when any surveyor appointed as aforesaid, shall view or survey any flax in any town, when he certif[ie]s to the treasurer the quantity and quality of the flax, he shall also certify that the owner hath taken the oath appointed by this act to be taken by the person claiming the bounty allowed in this act.

Limitation.

[SECT. 7.] This act to continue and be in force for the space of five years from the publication thereof, and no longer. [*Passed June 15; published June 24.*]



## CHAPTER 8.

## AN ACT IN ADDITION TO AN ACT ENTITLED "AN ACT PROVIDING IN CASE OF SICKNESS."

WHEREAS there is now provided at the charge of the province a convenient house on the island called Spectacle Island, for the reception of such as shall be visited with contagious sickness, to keep them from infecting of others,—

Preamble,  
1701-2, chap. 9.  
1723-24, chap. 5.

*Be it therefore enacted by the Lieuten[an]-Govern[ou]r, Council and Represent[ati]ves in General Court assembled, and by the authority of the same,*

[SECT. 1.] That the keeper of the light-house and the commanding officer at Castle William, shall notify and direct the masters of all vessels coming near them, wherein any infectious sickness is or hath lately been, at their coming in, to come to anchor as near the before-mention[ed] house as may be, that the sick persons, and everything else on board said ship that may give infection, proper to be put in the said house, may be removed into it with the greater ease and safety.

Ships infected with sickness to anchor near Spectacle Island.

[SECT. 2.] That if any master or immediate commander of any such vessel for the time being, in disobedience to such orders, or contrary to this act, come with his vessel or suffer her to be brought up above the said castle, come himself or suffer any of his people or passengers to come on shoar, or any boats to come on board, or suffer any goods to be taken out of his vessel, without leave first obtain'd from the govern[ou]r and council, or until he shall produce to the commanding officer at Castle William a certificate, under the hands of two justices and the selectmen of the town of Boston, that, according to the best of their judg[e]m[en]t, the said vessel and company, passengers, goods and everything on board are clear of infection, he shall for every such offence forfeit the sum of fifty pounds; and in case he be not able to pay that sum, he shall suffer six months' imprisonm[en]t. And the master of every such vessel is hereby directed and impowered to put into the said house, or where the said selectmen shall direct, all such goods as, in the opinion of the said selectmen, may carry an infection in them, under the penalty aforesaid.

Penalty for masters coming up above the Castle, without leave from authority.

Infectious goods to be put into the hospital.

[SECT. 3.] That if any sailors or passengers coming in said vessel, shall, without the knowledge or consent of the master, presume to come on shoar, or up above the said castle, or if any person from town or countr[e]y presume to go on board such vessel, or go to the aforesaid house or hospital in time of infection there, without leave from the authority aforesaid, or if any person, put sick into the said house, shall presume to go off the island without leave as aforesaid, every person offending in any of the abovemention'd particulars, shall forfeit the sum of ten pounds; and in case any person be not able to pay said sum, he shall suffer two months' imprisonm[en]t.

Persons unable to pay their fine to suffer imprisonment.

[SECT. 4.] All the abovemention'd fines to be sued for and recover'd by the province treasurer for the time being; one third of the fines to be to his majesty for the use of this governm[en]t, one third to the informer, and one third to the province treasurer for the time being.

[SECT. 5.] And when and so often as any ship or other vessel wherein any infection or infectious sickness hath lately been, shall come to any port or harbour within this province, the justices and selectmen of such place be impowered immediately to order the said vessel and sick persons to the province hospital or house aforesaid, there to be taken care of according to the directions of this act; and where any such ship, vessel or persons cannot, without great inconvenience and



damage, be ordered to the aforesaid house or hospital, in every such case, the rules and directions of the aforementioned act already made in case of sickness are to be observed.

Repairs, &c., to be taken care of by the selectmen of the town of Boston.

[SECT. 6.] And all repairs and whatsoever is necessary for the accommodation of such persons, shall be taken care of and provided for by the selectmen of the town of Boston afores[ai]d, at the immediate charge of the province: *provided, nevertheless*, that this act is not to be understood to excuse any persons or towns, who, according to the [a]foremention[e]d law, are obliged to defray the charge that may be occasioned by their sickness or confinem[en]t in the said hospital.

Limitation.

[SECT. 7.] This act to continue in force until the end of the session of this court which will begin in May, one thous[an]d seven hundred and thirty-eight, and no longer. [*Passed June 19 ; published June 24.*]

## CHAPTER 9.

### AN ACT FOR ENCOURAGING THE KILLING OF WILDCAT[T]S.

Preamble.

WHEREAS there hath been of late in several places within this province great mischiefs and damages done by certain beasts of prey, called wildecat[t]s, killing and devouring sheep, lambs and other useful and profitable creatures,—

*Be it enacted by the Lieutenant-Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

Method to be taken upon the killing of wildcats.

[SECT. 1.] That from and after the publication of this act, when any person or persons shall kill any wildecat[t] within this province, and bring the body thereof unto the constable of the town in which such wildecat shall be killed, or to the constable of the town next adjacent unto the place where such wildecat was killed if it be without the bounds of any township, the constable, in the presence of one or more of the selectmen, shall cut both the ears off the head, and such selectman or selectmen and constable shall give the party a receipt for the s[ai]d wildecat[t], expressing wh[e][i]ther it be in their judgment a year old, or under, and, upon producing such receipt, the party shall be paid and allowed by the selectmen or treasurer of such town, out of the town stock, the sum of twenty shillings for every wildecat of one year old or upwards, and the sum of ten shillings for every wildecat[t] under that age, in the judgment of the selectman or selectmen and constable before whom the same shall be brought as afores[ai]d ; and all such payments so made shall be allowed by the treasurer and receiver-general of the province, upon his receiving a certificate under the hands of the major part of the selectmen in such town, and town treasurer where any such be, or town clerk, which certificate shall be in the following form ; viz.,—

Premium for killing of wildcats to be paid by the treasurer of the province.

Form of the certificate.

This may certify that there has b[ee][i]n paid out of the town stock of A., for grown wildecat[t]s, and wildecat[t]s under a year old, in or near this town since the                      day of                      past, and the heads thereof brought unto the constables of the s[ai]d town, and the ears cut off in presence of us, as is directed in the act for encouraging the killing of wildecat[t]s, and so certified unto us, in the whole, the sum of                      ; which sum we desire you to allow unto the s[ai]d town, by discounting the same to B. C., constable, out of the publick assessment committed to him to collect in the said town. Dated in A. afores[ai]d, the                      day of                      17 .

To the Province Treasurer.

} Selectmen, Town  
Treasurer or Town  
Clerk.

*And be it further enacted by the authority aforesaid,*

[SECT. 2.] That the selectmen of each town respectively, shall be, and hereby are, sufficiently authorized and empowered to assess the inhabitants of their town, yearly, in due proportion, as near as they can, such sum and sums as they shall judge necessary to answer the payments to be made out of the town stock as aforesaid, together with other charges of the town, and to cause the same to be collected in manner as is by law directed for the gathering of town rates.

Towns empowered to assess inhabitants for said premium.

[SECT. 3.] This act to continue and be in force three years from the publication thereof, and no longer. *[Passed June 20; published June 24.]* Limitation.

## CHAPTER 10.

AN ACT IN ADDITION TO AN ACT ENTITLED "AN ACT IN FURTHER ADDITION TO THE ACT FOR ENCOURAGING THE KILLING OF WOLVES, MADE IN THE FIFTH YEAR OF THE REIGN OF KING WILLIAM AND QUEEN MARY."

WHEREAS in the said act it is provided, "That whensoever it shall happen that any dog shall kill or wound any sheep, and proof be made thereof before any of his majesty's justices of the peace for the county where such damage is done, said dog shall be killed within eight and forty hours after notice be given, under the penalty of five pounds;" notwithstanding which, great damage hath been suffered in divers towns within this province by unruly and ravenous dogs, it being difficult to make proof thereof as in other cases.—

Preamble.  
1719-20, chap. 2,  
§ 1.

*Be it therefore enacted by the Lieutenant-Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

[SECT. 1.] That whensoever it shall happen that any dog or bitch shall worry, chase, kill or wound any sheep, lamb or calf, and proof be made thereof by the oath of one or more credible person or persons before any of his majesty's justices of the peace for the county where such damage is done, the justice is required forthwith to notify the owner of said dog or bitch of such damage; and if said dog or bitch be not killed within forty-eight hours after such notice given, the owner shall forfeit the sum of five pounds, to be recovered and disposed of in manner as in and by said act is provided; and the said owner shall be further liable to the action of any person damaged as aforesaid: any law, usage or custom to the contrary notwithstanding.

Dogs that kill or worry sheep, &c., to be killed;—

—upon penalty.

[SECT. 2.] This act to continue and be in force for the space of ten years, and no longer. *[Passed June 19; published June 24.]* Limitation.

## CHAPTER 11.

AN ACT TO ENABLE ADDINGTON DAVENPORT, THOMAS HUTCHINSON AND EDWARD HUTCHINSON, Esqrs., THE SURVIVING TRUSTEES OF THE FIFTY THOUSAND POUNDS LOAN OF BILLS OF CREDIT, IN THE YEAR OF OUR LORD 1714, TO MAKE SALE OF SUCH ESTATES AS WERE MORTGAGED TO THE TRUSTEES OF THE SAID LOAN AND ARE BECOME FORFEITED IN THE LAW.

WHEREAS several of the persons who received of the said trustees part of the said loan, and mortgaged their lands for the repayment thereof, being in arrear both as to principal and interest, the mortga-

Preamble.  
1714, chap. 10  
1723-24, chap. 4.

gees thereupon have taken possession of the estates so mortgaged, for more than three years last past, so that the time for redemption of the same by the law is expired; and forasmuch as some of the said mortgaged estates are liable to great strip and wast, and of no present benefit to the province,—

*Be it therefore enacted by the Lieutenant-Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

Trustees of the  
£50,000 loan  
empowered to  
sell forfeited  
estates.

That the aforementioned Addington Davenport, Thomas Hutchinson and Edward Hutchinson, surviving trustees, and their successors in the said trust, be and hereby are authorized and impowred to make sale of all such mortgaged estates to the highest bidder, and to make, sign and execute, in due form of law, deeds and conveyances for the same accordingly; the neet produce arising by the sale of the said mortgaged estates to be paid to the province treasurer, whose receipt shall be a full discharge to the said trustees; the overplus, if any be, after all costs and charges are subducted, to be returned to the mortgager, his heirs, executors or administrators, which shall be made up and certified by the trustees when they lodge the money in the treasury. [Passed June 19.]

## CHAPTER 12.

AN ACT FOR ERECTING THE LANDS HEREAFTER BOUNDED AND DESCRIBED, INTO A TOWNSHIP BY THE NAME OF MIDDLETON.

Preamble.

WHEREAS sundry inhabitants of the towns of Salem, Topsfield, Boxford and Andover, dwelling on certain lands lying commodious for a township, labour under great difficulties, on many accounts, with respect to their living far[r] distant from the center of the several towns to which they respectively belong; more especially by reason of their remoteness from the places of publick worship within the same, and have addressed this court to be set off a distinct and sep[a][c]rate township,—

*Be it therefore enacted by the Lieutenant-Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

A new town  
called Middle-  
ton.

Bounds of said  
town.

[SECT. 1.] That the afores[ai]d lands, as hereafter bounded and described, be and hereby are set off and constituted a sep[a][c]rate township by the name of Middleton; the bounds of the s[ai]d township to be as followeth; viz', beginning with Ipswich River where Salem south-westerly line crosseth the same, and so running downward as the river runneth, till it cometh to Salem north-easterly line; and then, running as the line between Salem and Topsfield runneth, to a brook commonly called Nichols's Brook; and then, by said brook and the north-easterly branch thereof, to Ipswich River; and thence up the river to a meadow called Ford meadow; and from thence on a westerly or north-westerly line to a certain black oak stump, a known ranging bound on the line between Boxford and Andover; and from said stump, running to the north-westerly part of Timothy Perkins his farm in Andover; and from thence to the north-westerly corner of Bellingham's farm, so called, and on said farm to the south-westerly corner thereof; and from thence to a white oak standing between the road and Phelps's meadow, being a known bound between Salem and Reading; and so on Salem line to the river first mentioned; and that Ezra Putnam and John Buxton, sear. inhabitants of Salem, with their lands and estates adjoining to the s[ai]d township of Middleton (who are desirous to be

annexed thereto), be from henceforth reckoned and accounted as part of the s[ai]d town of Middleton, and are hereby set off from Salem accordingly; and that the inhabitants of the said lands, as before bounded and described, be and hereby are vested with the powers, priviledges and immunities that the inhabitants of any of the towns within this province are or ought by law to be vested with.

*Provided,*

[SECT. 2.] That the inhabitants of the s[ai]d town of Middleton Proviso. do, within the space of two years from the publication of this act, erect and finish a suitable house for the publick worship of God, and procure and settle a learned, orthodox minister of good conversation, and make provision for his comfortable and honourable support, and likewise provide a school-master to instruct their youth in writing and reading. *[Passed June 20; published June 24.]*

## CHAPTER 13.

### AN ACT FOR GRANTING UNTO HIS MAJESTY SEVERAL RATES AND DUTIES OF IMPOST AND TUNNAGE OF SHIPPING.

WE, his majestie's most loyal and dutiful subjects, the representatives of his majestie's province of the Massachusetts Bay in New England, considering the necessity of calling in the sum of twenty-nine thousand pounds granted to his late majesty by bills emitted at the several sessions in the year 1724, to be levied and collected this present year, have cheerfully and unanimously given and granted, and do hereby give and grant, unto his most excellent majesty, to the ends, use and intent aforesaid, and for no other use, the several duties of impost upon wines, liquors, goods, wares and merchandize that shall be imported into this province, and tannage of shipping, hereafter mentioned and expressed, for calling in the sum of eight thousand pounds, part of the said sum of twenty-nine thousand pounds, above-mentioned; and pray that it may be enacted,—

*And be it accordingly enacted by the Lieutenant-Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

[SECT. 1.] That after the twenty-ninth day of June instant, there shall be paid by the importer of all wines, liquors, goods, wares and merchandizes that shall be imported into this province from the place of their growth (salt, cotton-wool, provisions and every other thing of the growth and produce of New England excepted), the several rates and duties of impost following; viz.,—

For every pipe of wine of the Western Islands, twenty shillings.

For every pipe of Canary, thirty shillings.

For every pipe of Madera, twenty-five shillings.

For every pipe of other sorts, not mentioned, twenty-five shillings.

For every hogshead of rum containing one hundred gallons, twenty shill'.

For every hogshead of sugar, two shillings.

For every hogshead of molasses, one shilling.

For every hogshead of tobacco, twenty shillings.

For every tun of logwood, three shillings.

And so, proportionably, for greater or lesser quantities.

And for all other commodities, goods or merchandize not mentioned or excepted, one penny for every twenty shillings' value: all goods imported from Great Britain excepted.



[SECT. 2.] And, for any of the above wines, liquors, goods, wares, merchandize, &c., that shall be imported into this province from any other port than the places of their growth and produce, there shall be paid by the importer double the value of impost appointed by this act to be received for every species abovementioned, unless they do *bona fide* belong to the inhabitants of this province, and come upon their risque from the port of their growth and produce.

*And be it further enacted by the authority aforesaid,*

[SECT. 3.] That all the aforesaid imposts, rates and duties shall be paid in current money, or in bills of credit on this province, by the importer of any wines, liquors, goods or merchandizes, unto the commissioner and receiver, to be appointed, as is hereinafter directed for entring and receiving the same, at or before the landing of any wines, liquors, goods or merchandizes: only the commissioner or receiver is hereby allowed to give credit to such person or persons where his or their duty of impost, in one ship or vessel doth exceed the sum of ten pounds; and in case where the commissioner or receiver shall give credit, he shall settle and ballance his accompts with every person so that the same accompts may be ready to be presented to this court in May next; and all entries where the impost or duty to be paid doth not exceed four shillings, shall be made without charge to the importer, and not more than sixpence to be paid for any other single entry, to what value soever.

*And be it further enacted by the authority aforesaid,*

[SECT. 4.] That all masters of ships or other vessels, coming into any harbour or port within this province, from beyond sea, or from any other province or colony, before bulk be broken and within twenty-four hours after his arrival to such harbour or port, shall make report to the commissioner or receiver of the impost, to be appointed as is hereinafter mentioned, of the contents of the lading of such ship or vessel, without any charge or fee to be demanded or paid for the same; which report such master shall give in to the said commissioner or receiver, under his hand, and shall therein set down and express the quantities and species of the wines, liquors, goods and merchandizes laden on such ship or vessel, with the marks and numbers thereof, and to whom the same is consigned; and also make oath that the said report or manifest of the contents of his lading, so to be by him given in under his hand, as aforesaid, contains a just and true accompt, to the best of his knowledge, of the whole lading taken on board and imported in the said vessel from the port or ports such vessel came from, and that he hath not broken bulk, nor delivered any of the wines, rum or other distilled liquors or merchandizes, laden on said ship or vessel, directly or indirectly, and that if he shall know of any more wines or liquors, goods or merchandizes to be imported therein, before the landing thereof he will cause it to be added to his manifest; which manifest shall be agreeable to a printed form made for that purpose, which is to be filled up by the said commissioner or receiver according to each particular person's entry; which oath the commissioner or receiver is hereby empowered to administer; after which such master may unload, and not before, on pain of one hundred pounds to be forfeited and paid by each master that shall neglect his duty on this behalf.

*And be it further enacted by the authority aforesaid,*

[SECT. 5.] That all merchants, factors and other persons, importers, being owners of or having any of the wines, liquors, goods or merchandizes consigned to them, that by this act are lyable to pay impost or duty, shall, by themselves or order, make entry thereof in writing, under their hands, with the said commissioner or receiver, and produce unto him the original invoice of all such goods as pay *ad valorem*, and make oath thereto in manner following:—



You, A. B., do swear that the entry of the goods and merchandize by you now made, contains the true value, agreeable to the original invoice herewith exhibited; and that, according to your best skill and judgment, it is not less than the real cost thereof. So help you God.

—which aboves<sup>d</sup> oath the commissioner or receiver is hereby impowred to administer; and they shall pay the duty and impost by this act required, before such wines, liquors, goods, wares or merchandizes be landed or taken out of the vessel in which the same shall be imported, on pain of forfeiting all such wines, liquors, goods, wares or merchandizes so landed or taken out of the vessel in which the same shall be imported.

[SECT. 6.] And no wines, liquors, goods, wares or merchandizes that by this act are lyable to pay impost or duty, shall be landed on any wharff, or into any warehouse or other place, but in the day-time only, and that after sunrise and before sunset, unless in the presence and with the consent of the commissioner or receiver, on pain of forfeiting all such wines, liquors, goods, wares or merchandizes, and the lighter, boat or vessel out of which the same shall be landed or put into any warehouse or other place.

[SECT. 7.] And if any person or persons shall not have and produce an invoice of the quantitys of rum or liquors to him or them consigned, then the cask wherein the same is, shall be gaged, at the charge of the importer, that the quantity thereof may be known.

*And be it further enacted by the authority aforesaid,*

[SECT. 8.] That every merchant or other person importing any wines into this province, shall be allowed twelve per cent for leakage: *provided* such wines have not been filled up on board; and that every hogshead, butt or pipe of wine that hath two third parts thereof leaked out, shall be accounted for outs, and the merchant or importer to pay no duty or impost for the same. And no master of any ship or vessel shall suffer any wines to be filled up on board without giving a certificate of the quantity so filled, under his hand, before the landing thereof, to the commissioner or receiver of the impost in such port, on pain of forfeiting the sum of fifty pounds.

[SECT. 9.] And if it be made to appear that any wines imported in any ship or vessel be decayed at the time of unlading thereof, or in twenty days afterwards, oath being made before the commissioner or receiver that the same hath not been landed above that time, the duties and impost paid for such wines shall be repaid unto the importer thereof.

*And be it further enacted by the authority aforesaid,*

[SECT. 10.] That the master of any ship or vessel importing any wines, liquors, goods, wares or merchandizes shall be lyable to and shall pay the impost for such and so much thereof, contained in his manifest, as shall not be duly entred, nor the duty paid for the same, by the person or persons to whom such wines, liquors, goods, wares or merchandize are or shall be consigned. And it shall and may be lawful to and for the master of every ship or other vessel to secure and detain in his hands, at the owner's risque, all such wines, liquors, goods, wares or merchandizes imported in any ship or vessel, until he shall receive a certificate, from the commissioner or receiver of the impost, that the duty for the same is paid, and until he be repaid his necessary charges in securing the same; or such masters may deliver such wines, liquors, goods, wares or merchandizes as are not entred, unto the commissioner or receiver of the impost in such port, or his order, who is hereby impowred and directed to receive and keep the same, at the owner's risque, until the impost thereof, with the charges, be paid; and then to deliver such wines, liquors, goods, wares or merchandize as such masters shall direct.

*And be it further enacted by the authority aforesaid,*

[SECT. 11.] That the commissioner or receiver of the impost in each port, shall be and hereby is impowered to sue the master of any ship or vessel, for the impost or duty for so much of the lading of any wines, liquors, goods, wares and merchandizes imported therein, according to the manifest by him to be given upon oath, as afores<sup>d</sup>, as shall remain not entred and the duty of impost thereof not paid; and where the goods, wares or merchandizes are such as that the value thereof is not known, whereby the impost to be recovered of the master for the same cannot be ascertained, the owner or person to whom such goods, wares or merchandizes are or shall be consigned, shall be summoned to appear as an evidence at the court where suit for the impost and duty thereof shall be brought, and be there required to make oath to the value of such goods, wares or merchandizes.

*And be it further enacted by the authority aforesaid,*

[SECT. 12.] That the ship or vessel, with her tackle, apparel and furniture, the master of which shall make default in anything by this act required to be performed by him, shall be lyable to answer and make good the sum or sums forfeited by such master, according to this act, for any such default, as also to make good the impost or duty for any wines, liquors, goods, wares or merchandizes not entred as afores<sup>d</sup>; and, upon judgment recovered against such master, the s<sup>d</sup> ship or vessel, or so much of the tackle or appurtenances thereof as shall be sufficient to satisfy said judgment, may be taken in execution for the same. And the commissioner or receiver of the impost is hereby impowered to make seizure of such ship or vessel, and detain the same under seizure until judgment be given in any suit to be commenced and prosecuted for any of the s<sup>d</sup> forfeitures or impost; to the intent that if judgment be rendred for the prosecutor or informer, such ship or vessel and appur<sup>ances</sup> may be exposed for satisfaction thereof, as is before provided: *unless* the owners, or some on their behalf, for the releasing of such ship or vessel from seizure or restraint, shall give sufficient security to the commissioner or receiver of the impost that seized the same, to respond or satisfy the sum or value of the forfeiture and duties, with charges, that shall be recovered against the master thereof, upon suit to be brought for the same, as afores<sup>d</sup>; and the master occasioning such loss and damage unto his owners, thro' his default or neglect, shall be lyable unto their action for the same.

*And be it further enacted,*

[SECT. 13.] That the naval officer within any of the ports of this province, shall not clear or give passes to any master of any ship or other vessel, outward bound, until he shall be certified by the commissioner or receiver of the impost, that the duties and impost for the goods last imported in such ship or vessel are paid or secured to be paid. And the commissioner or receiver of the impost is hereby impowered to allow bills of store, to the master of any ship or vessel importing any wines or liquors, for such private adventures as shall belong to the master or seamen of such ship or other vessel, at the discretion of the commissioner or receiver, not exceeding three per cent of the lading; and the duties payable by this act for such wines or liquors, in such bills of store mentioned and express'd, shall be abated.

*And be it further enacted by the authority aforesaid,*

[SECT. 14.] That all penalties and forfeitures accruing or arising by vertue of this act shall be one half to his majesty for the uses and intents for which the aforementioned duties of impost are granted, and the other half to him or them that shall seize, inform and sue for the same by action, bill, plaint or information in any of his majesty's courts of record, wherein no essoign, protection or wager of law shall be

allowed; the whole charge of prosecution to be taken out of the half belonging to the informer.

*And be it further enacted by the authority afores<sup>d</sup>,*

[SECT. 15.] That there shall be paid by the master of every ship or other vessel, coming into any port or ports of this province to trade or traffick, whereof all the owners are not belonging to this province (except such vessels as belong to Great Britain, the provinces or colony's of Pensilvania, West and East Jersey, New York, Connecticut, New Hampshire or Rhode Island), every voyage such ship or vessel do's make, the sum of two shillings and sixpence per tun, or one pound of good new pistol-powder, for every tun such ship or vessel is in burden: *saving* for that part which is owned in Great Britain, this province, or any of the afores<sup>d</sup> governments (which is hereby exempted), to be paid unto the commissioner or receiver of the duties of impost, and to be employed for the ends and uses aforesaid.

[SECT. 16.] And the s<sup>d</sup> commissioner is hereby impowered to appoint a meet and suitable person, to repair unto and on board any ship or vessel, to take the exact measure or tunnage thereof, in case he shall suspect that the register of such ship or vessel doth not express and set forth the full burthen of the same, the charge thereof to be paid by the master or owner of such ship or vessel before she be cleared, in case she appear to be of greater burthen; otherwise, to be paid by the commissioner out of the moneys received by him for impost; and shall be allowed him accordingly by the treasurer in his accompts. And the naval officer shall not clear any vessel until he be also certified, by the said commissioner, that the duty of tunnage for the same is paid, or that it is such a vessel for which none is payable by this act.

*And be it further enacted by the authority aforesaid,*

[SECT. 17.] That there be one fit person, and no more, nominated and appointed by this court, as a commissioner and receiver of the afores<sup>d</sup> duties of impost and tunnage of shipping, and for the inspection, care and management of the said office, and whatsoever relates thereunto, to receive commission for the same from the governor or commander-in-chief for the time being, with authority to substitute and appoint a deputy receiver in each port besides that wherein he resides, and to grant warrants to such deputy receivers for their said place, and to collect and receive the impost and tunnage of shipping afores<sup>d</sup> that shall become due within such port, and to render the accompts thereof, and pay in the same, to the said commissioner and receiver: which said commissioner and receiver shall keep fair books of all entries and duty's arising by vertue of this act; also a particular account of every vessel, so that the duty's of impost and tunnage arising on the s<sup>d</sup> vessel may appear; and the same to lye open, at all seasonable times, to the view and perusal of the treasurer and receiver-general of this province, or any other person or persons whom this court shall appoint, with whom he shall account for all collections and payments, and pay in all such moneys as shall be in his hands, as the treasurer or receiver-general shall demand it. And the s<sup>d</sup> commissioner and receiver, and his deputy and deputies, before their entring upon the execution of the s<sup>d</sup> office, shall be sworn to deal truly and faithfully therein, and shall attend in the office from nine to twelve of the clock in the forenoon, and from two to five of the clock in the afternoon.

[SECT. 18.] Also the said commissioner and receiver, for his labour, care and expence in the s<sup>d</sup> office, shall have and receive, out of the province treasury, the sum of seventy pounds per annum; and his deputy or deputies to be paid for their service such sum or sums as the s<sup>d</sup> commissioner and receiver, with the treasurer, shall agree, upon reasonable terms, not exceeding thirty pounds each; and the treasurer is

hereby ordered, in passing and receiving the said commissioner's accompts, accordingly, to allow the payment of such salary or salaries, as afores<sup>d</sup>, to himself and his deputy or deputys.

*Provided,*

[SECT. 19.] That this act shall bee and continue in force from the twenty-ninth day of this instant June, until the twenty-ninth day of June, which will be in the year of our Lord one thousand seven hundred and twenty-nine, and no longer. [*Passed June 14; published June 24, 1728.*]

## CHAPTER 14.

AN ACT FOR APPORTIONING AND ASSESSING A TAX OF EIGHT THOUSAND POUNDS; AND ALSO FOR APPORTIONING AND ASSESSING A FURTHER TAX OF THREE THOUSAND NINE HUNDRED AND TWELVE POUNDS TWELVE SHILLINGS, PAID THE REPRESENTATIVES ANNO 1727.

WHEREAS the great and general court or assembly of the province of the Massachusetts Bay in New England, at their sessions in the year 1724, did pass two several grants of taxes on polls and estates, as funds and security for the payment and drawing in several sums in the bills of credit on this province ordered to be imprinted, repeated and issued out of the publick treasury for the service of the government; that is to say, in their sessions begun and held in May, 1724,\* fourteen thousand pounds, and in November, 1724,† fifteen thousand pounds; applied to the ends and uses in the said grants particularly enumerated and expressed; and, by the resolves of the courts that made the afores<sup>d</sup> grants, it was then ordered that the said sum of twenty-nine thousand pounds shall be apportioned and assessed and leyed on polls, and estates both real and personal, within this province, according to such rules and in such proportion upon the several towns and districts within the same as shall be agreed on and ordered by this court in their present session; *wherefore*, for the ordering, directing and perfecting the said sum of eight thousand pounds, which, with the sum of twenty-one thousand pounds by the duties of impost, tunnage of shipping and excise, together with the income of the bills let out, and the light-house, will make the sum of twenty-nine thousand pounds, pursuant to the funds and grants aforesaid, which is unanimously approved, ratified and confirmed; and in case the said sum of eight thousand pounds, together with the aforesaid incomes of the government, and bills already received in, do's not compleat and perfect the said sum of twenty-nine thousand pounds, there is hereby granted unto his most excellent majesty, to make good any such deficiency, and for no other end or use whatsoever, a tax sufficient to make up the sum, whatsoever it may happen to be, to be leyed upon polls, and estates both real and personal, within this province, according to such rules and in such proportion upon the several towns and districts within the same, as shall be agreed on and ordered by the great and general court or assembly of this province at their sessions in May, one thousand seven hundred twenty-nine and thirty; we, his majestie's most loyal and dutiful subjects, the representatives in general court assembled, pray that it may be enacted,—

*And be it accordingly enacted by the Lieutenant-Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

[SECT. 1.] That each town and district within this province be assessed and pay, as such town's and district's proportion of the aforesaid sum of eight thousand pounds, the sums following; that is to say,—

\* NOTES to 1724-25, resolve (a).

† *Ibid.*, resolve (b)



## IN THE COUNTY OF SUFFOLK.

	ELECTED BY THE REPRESENTATIVES.	£146	8s. 0d.	PROVINCE TAX.	£1,480	0s. 0d.	ST. M. TOTAL.
Boston.	One hundred forty-six pounds eight shillings.	37	4 0	One thousand four hundred and eighty pounds.	72	2 8	£1,426
Roxbury.	Thirty-seven pounds four shillings.	37	4 0	Seventy-two pounds two shillings and eightpence.	109	6 8	86
Doncaster.	Thirty-seven pounds four shillings.	37	4 0	Sixty-nine pounds fifteen shillings and fourpence.	69	15 4	106
Ilkeham.	Forty-two pounds ten shillings.	43	10 0	Eighty-two pounds seventeen shillings and fourpence.	82	17 4	126
Brantley.	Thirty-nine pounds.	39	0 0	Seventy-three pounds twelve shillings.	73	12 0	112
Dedham.	Forty-two pounds six shillings.	42	6 0	Fifty-three pounds six shillings and eightpence.	53	6 8	95
Medfield.	Forty-nine pounds eighteen shillings.	39	18 0	Forty-eight pounds ten shillings and eightpence.	38	10 8	78
Medway.	Forty-two pounds.	0	0 0	Twenty-four pounds seven shillings and fourpence.	24	7 4	24
Weymouth.	Forty-two pounds.	42	0 0	Fifty-one pounds twelve shillings.	51	12 0	93
Milton.	Thirty-three pounds eighteen shillings.	33	18 0	Forty pounds eleven shillings and fourpence.	40	11 4	74
Hall.	Forty-two pounds.	42	0 0	Seventeen pounds eleven shillings and fourpence.	17	11 4	17
Wrentham.	Forty-two pounds.	42	0 0	Forty-six pounds sixteen shillings and eightpence.	46	16 8	88
Mendon.	Forty-seven pounds fourteen shillings.	47	14 0	Thirty-six pounds.	36	0 0	83
Uxbridge.	Forty-seven pounds fourteen shillings.	47	14 0	Twelve pounds and eightpence.	12	0 8	12
Woodstock.	Forty-seven pounds fourteen shillings.	47	14 0	Thirty-two pounds.	32	0 0	67
Brookham.	Forty-seven pounds fourteen shillings.	47	14 0	Twenty-six pounds eighteen shillings and eightpence.	26	18 8	64
Needham.	Forty-seven pounds fourteen shillings.	47	14 0	Twenty-nine pounds.	29	0 0	29
Sutton.	Forty-seven pounds fourteen shillings.	47	14 0	Twenty-four pounds ten shillings.	24	10 0	24
Oxford.	Forty-seven pounds fourteen shillings.	47	14 0	Fourteen pounds four shillings.	14	4 0	14
Beilingsham.	Forty-seven pounds fourteen shillings.	47	14 0	Fourteen pounds nine shillings and fourpence.	14	9 4	14
Walspole.	Forty-seven pounds fourteen shillings.	47	14 0	Twelve pounds five shillings and fourpence.	12	5 4	12
Stoughton.	Forty-seven pounds fourteen shillings.	47	14 0	Forty-three pounds two shillings and eightpence.	43	2 8	43

## IN THE COUNTY OF ESSEX.

	ELECTED BY THE REPRESENTATIVES.	£77	8s. 0d.	PROVINCE TAX.	£213	18s. 0d.	ST. M. TOTAL.
Salen.	Seventy-seven pounds eight shillings.	77	8 0	Two hundred and thirteen pounds fourteen shillings and eightpence.	208	0 8	£291
Ipswich.	Ninety-three pounds twelve shillings.	93	12 0	Two hundred and eight pounds and eightpence.	177	3 4	301
Newbury.	Forty-seven pounds four shillings.	47	14 0	One hundred seventy-seven pounds three shillings and fourpence.	182	0 0	224
Marblehead.	Seventy pounds four shillings.	70	4 0	One hundred eighty-two pounds.	182	0 0	252
Lynn.	Thirty-eight pounds fourteen shillings.	38	14 0	Eighty-six pounds sixteen shillings.	86	16 0	125
Andover.	Forty-eight pounds.	48	0 0	One hundred pounds twelve shillings.	100	12 0	118
Beverly.	Forty-five pounds twelve shillings.	45	12 0	Seventy-seven pounds eight shillings.	77	8 0	123
Roxley.	Forty-nine pounds ten shillings.	49	10 0	Sixty-nine pounds eight shillings and fourpence.	69	8 8	118
Salsbury.	Forty-seven pounds eight shillings.	47	8 0	Sixty-five pounds five shillings and fourpence.	65	5 4	112



## IN THE COUNTY OF ESSEX—Continued.

REGD BY THE REPRESENTATIVES.	£49 10s. 0d.	PROVINCE TAX.	£65 19s. 4d.	SUM TOTAL.
Haverhill, . . . . .	•	Sixty-five pounds nineteen shillings and fourpence,	99 1 4	£115 9s. 4d.
Gloicester, . . . . .	•	Ninety-nine pounds one shilling and fourpence, .	148 11 4	148 11 4
Topsheld, . . . . .	•	Thirty-seven pounds four shillings, . . . . .	35 4 0	77 16 0
Boxford, . . . . .	•	Thirty-seven pounds ten shillings and eightpence,	37 10 8	84 12 8
Almsbury, . . . . .	•	Sixty-three pounds two shillings, . . . . .	63 2 0	108 2 0
Bradford, . . . . .	•	Thirty-six pounds sixteen shillings and eightpence,	36 16 8	76 8 8
Wentham, . . . . .	•	Thirty-one pounds twelve shillings, . . . . .	31 12 0	76 6 0
Manchester, . . . . .	•	Twenty-one pounds sixteen shillings, . . . . .	21 16 0	21 16 0
Methuen, . . . . .	•	Thirteen pounds seventeen shillings and fourpence,	13 17 4	13 17 4

## IN THE COUNTY OF MIDDLESEX.

	£26 14s. 0d.		£60 10s. 8d.		£87 4s. 8d.
Cambridge, . . . . .	•	Sixty pounds ten shillings and eightpence, . . . . .	133 13 4	•	204 15 4
Chattertown, . . . . .	•	One hundred thirty-three pounds thirteen shill <sup>ts</sup> and fourp <sup>ce</sup> ,	70 10 0	•	107 14 0
Watertown, . . . . .	•	Seventy pounds ten shillings, . . . . .	89 0 0	•	133 8 0
Concord, . . . . .	•	Eighty-nine pounds, . . . . .	31 6 8	•	74 16 8
Weston, . . . . .	•	Thirty-one pounds six shillings and eightpence, .	78 14 8	•	121 6 8
Woburn, . . . . .	•	Thirty-eight pounds fourteen shillings and eightpence,	62 17 4	•	105 9 4
Reading, . . . . .	•	Sixty-two pounds seventeen shillings and fourpence, .	70 2 8	•	113 18 8
Sudbury, . . . . .	•	Seventy pounds two shillings and eightpence, . . .	54 6 0	•	100 10 0
Marlborough, . . . . .	•	Fifty-four pounds six shillings, . . . . .	17 6 0	•	17 6 0
Southborough, . . . . .	•	Seventeen pounds six shillings, . . . . .	44 12 0	•	84 16 0
Lexington, . . . . .	•	Forty-four pounds twelve shillings, . . . . .	54 16 0	•	91 2 0
Newton, . . . . .	•	Fifty pounds sixteen shillings, . . . . .	50 9 4	•	87 7 4
Malden, . . . . .	•	Sixty pounds nine shillings and fourpence, . . .	63 4 8	•	101 18 8
Chelmsford, . . . . .	•	Sixty-three pounds four shillings and eightpence,	66 3 4	•	112 7 4
Billerica, . . . . .	•	Sixty-six pounds three shillings and fourpence, .	25 2 0	•	39 16 0
Sherborn, . . . . .	•	Twenty-five pounds two shillings, . . . . .	12 0 0	•	12 0 0
Histolton, . . . . .	•	Twelve pounds, . . . . .	18 2 0	•	18 2 0
Westborough, . . . . .	•	Fifteen pounds two shillings, . . . . .	50 12 0	•	90 4 0
Groton, . . . . .	•	Fifty pounds twelve shillings, . . . . .	62 16 8	•	111 2 8
Lancaster, . . . . .	•	Sixty-two pounds sixteen shillings and eightpence,	51 0 8	•	87 18 8
Framingham, . . . . .	•	Fifty-one pounds and eightpence, . . . . .	24 2 0	•	24 2 0
Medford, . . . . .	•	Twenty-four pounds two shillings, . . . . .	26 6 0	•	26 6 0
Stow, . . . . .	•	Twenty-six pounds six shillings, . . . . .	22 15 4	•	69 11 4
Worcester, . . . . .	•	Twenty-two pounds fifteen shill <sup>ts</sup> and fourpence, . .	•	•	•

	£0	0s. 0d.	Eighteen pounds thirteen shillings and fourpence, Fifteen pounds one shilling and fourpence, Seventeen pounds eighteen shillings and eightpence, Thirteen pounds nineteen shillings and fourpence, Twenty-three pounds fourteen shillings, Twelve pounds eighteen shillings, Seven pounds sixteen shillings, Fourteen pounds fourteen shillings,	£18 13s. 4d. 15 1 4 17 18 8 13 19 4 23 14 0 12 18 0 7 16 0 14 14 0
Dunstable,	.	.	.	.
Dracut,	.	.	.	.
Stonham,	.	.	.	.
Lewes,	.	.	.	.
Littleton,	.	.	.	.
Hopkinton,	.	.	.	.
Rutland,	.	.	.	.
Surewbury,	.	.	.	.

## IN THE COUNTY OF HAMPSHIRE.

	£37	12s. 0d.	Ninety-one pounds fourteen shillings, Sixty-five pounds two shillings and eightpence, Thirty-eight pounds fourteen shillings and eightpence, Thirty-one pounds sixteen shillings, Thirty-eight pounds ten shillings and eightpence, Fifty-four pounds, Thirty-eight pounds eighteen shillings, Twenty pounds nine shillings and fourpence, Twenty-seven pounds one shilling and fourpence, Eleven pounds two shillings, Twelve pounds ten shillings and eightpence, Thirteen pounds six shillings and eightpence,	£91 14s. 0d. 65 2 8 38 14 8 31 16 0 38 10 8 51 0 0 38 18 0 20 9 4 27 1 4 11 2 0 12 10 8 13 6 8
Springfield,	.	.	.	.
Norhampton,	.	.	.	.
Hadley,	.	.	.	.
Hatfield,	.	.	.	.
Westfield,	.	.	.	.
Sniffeld,	.	.	.	.
Deerfield,	.	.	.	.
Brookfield,	.	.	.	.
Sunderland,	.	.	.	.
Northfield,	.	.	.	.
Brimfield,	.	.	.	.

## IN THE COUNTY OF PLYMOUTH.

	£44	2s. 0d.	Seventy-seven pounds fifteen shillings and fourpence, Forty-nine pounds ten shillings and eightpence, One hundred and three pounds five shillings and fourpence, Eighty-four pounds ten shillings, Sixty-one pounds two shillings, Twenty-seven pounds and eightpence, Twenty-two pounds two shillings, Fifty-four pounds four shillings and eightpence, Fifty-eight pounds eight shillings, Twenty-four pounds four shillings,	£77 15s. 4d. 49 10 8 103 5 4 84 10 0 61 2 0 27 0 8 32 2 0 54 4 8 58 8 0 24 4 0
Plymouth,	.	.	.	.
Plimpton,	.	.	.	.
Setonade,	.	.	.	.
Bridgewater,	.	.	.	.
Marshfield,	.	.	.	.
Pembroke,	.	.	.	.
Dorchester,	.	.	.	.
Middleborough,	.	.	.	.
Rowchester,	.	.	.	.
Abington,	.	.	.	.

## IN THE COUNTY OF PLIMOUTH—Continued.

	REC'D BY THE REPRESENTATIVES.	PROVINCE TAX.		SUM TOTAL.
		£0 0s. 0d.	Twenty-four pounds four shillings, Twenty-three pounds fourteen shillings,	£24 4s. 0d. 23 14 0
Kingston, .	. . . . .	£0	. . . . .	. . . . .
Hanover, .	. . . . .	0 0 0	. . . . .	. . . . .

## IN THE COUNTY OF BRISTOL.

		£46 4s. 0d.	Sixty-one pounds three shillings and fourpence, One hundred and three pounds fourteen shillings and eightpence, Thirty-six pounds one shilling and fourpence, Thirteen pounds ten shillings and eightpence, One hundred and twenty-three pounds seven shillings and fourpence, Thirty-two pounds eighteen shillings, Ninety-five pounds sixteen shillings, Sixty-eight pounds eighteen shillings and eightpence, Seventy-eight pounds four shillings and eightpence, Thirty-seven pounds thirteen shillings and fourpence, Twenty-nine pounds eighteen shillings, Forty-six pounds seventeen shillings and fourpence, Twenty-eight pounds ten shillings,	£61 3s. 4d.	£107 7s. 4d.
		43 10 0	. . . . .	103 14 8	147 4 8
Bristol, .	Forty-six pounds four shillings,	36 0 0	. . . . .	36 1 4	72 1 4
Taunton, .	Forty-three pounds ten shillings,	0 0 0	. . . . .	13 10 8	13 10 8
Norton, .	Thirty-six pounds,	42 6 0	. . . . .	123 7 4	165 13 4
Easton, .	Forty-two pounds six shillings,	47 2 0	. . . . .	32 18 0	80 0 0
Dartmouth, .	Forty-seven pounds two shillings,	48 0 0	. . . . .	95 16 0	143 16 0
Dighton, .	Forty-eight pounds,	34 4 0	. . . . .	68 18 8	103 2 8
Rehoboth, .	Thirty-four pounds four shillings,	42 12 0	. . . . .	78 4 8	120 16 8
Little Compton, .	Forty-two pounds twelve shillings,	14 2 0	. . . . .	37 13 4	51 15 4
Swansey and	Forteen pounds two shillings,	43 16 0	. . . . .	29 18 0	73 14 0
Shevemet, .	Forty-three pounds sixteen shillings,	50 2 0	. . . . .	46 17 4	96 19 4
Tiverton, .	Fifty pounds two shillings,	0 0 0	. . . . .	28 10 0	28 10 0
Freetown, .	. . . . .				
Attleborough, .	. . . . .				
Barrington, .	. . . . .				

## IN THE COUNTY OF BARNSTABLE.

		£49 16s. 0d.	One hundred and one pounds four shillings and eightpence, Sixty-two pounds two shillings and eightpence, Sixty-four pounds seventeen shillings and fourpence, Seventy-four pounds seven shillings and fourpence, Twenty-eight pounds six shillings, Thirteen pounds ten shillings and eightpence, Forty-six pounds seven shillings and fourpence, Thirty-two pounds one shilling and fourpence, Twenty-four pounds four shillings,	£101 4s. 8d.	£151 0s. 8d.
Barnstable,	Forty-nine pounds sixteen shillings,	39 0 0	.	62 2 8	101 2 8
Yarmouth,	Thirty-nine pounds,	52 16 0	.	64 17 4	117 13 4
Sandwich,	Fifty pounds sixteen shillings,	50 2 0	.	74 7 4	124 9 4
Eastham,	Thirty pounds two shillings,	30 2 0	.	28 16 0	58 18 0
Truro,	Forty pounds six shillings,	14 6 0	.	13 10 8	27 16 8
Provincetown,	Forteen pounds six shillings,	47 2 0	.	46 7 4	93 9 4
Harwich,	Forty-seven pounds two shillings,	0 0 0	.	32 1 4	32 1 4
Falmouth,	.	0 0 0	.	24 4 0	24 4 0
Chatham,	.	0 0 0	.	.	.

## IN THE COUNTY OF YORK.

York, and Kittery	Twenty-seven pounds six shillings,	£27	6s. 0d.	Sixty-seven pounds three shillings and fourpence,	£67	3s. 4d.	£94	9s. 4d.
Sholes, . . .	Fifty pounds fourteen shillings, . . .	50	14 0	Eighty-five pounds one shilling and fourpence, . . .	85	1 4	135	15 4
Barwick, . . .	Forty-three pounds ten shillings, . . .	43	10 0	Thirty-nine pounds eight shillings, . . .	39	8 0	82	18 0
Wells, . . .	Thirty-one pounds ten shillings, . . .	31	10 0	Forty pounds six shillings, . . .	40	6 0	71	16 0
Falmouth, . . .	. . . . .	0	0 0	Twenty-one pounds two shillings, . . .	21	2 0	21	2 0
Baldieford, . . .	. . . . .	0	0 0	Fourteen pounds twelve shillings and eightpence, . . .	14	12 8	14	12 8
Arundell, . . .	. . . . .	0	0 0	Nine pounds five shillings and fourpence, . . .	9	5 4	9	5 4
Scarborough, . . .	. . . . .	0	0 0	Eighteen pounds four shillings, . . .	18	4 0	18	4 0

65

## IN DUKES COUNTY.

Edgartown, Chilmark, . . Tisbury, . .	Twenty-nine pounds two shillings, Sixteen pounds four shillings, . . . . . . . .	£29	2s. 0d. 4 0 0 0 0	Thirty-two pounds, . Thirty-six pounds four shillings, . Eighteen pounds six shillings, . . .	£32	0s. 0d. 4 0 18 6 0	£61	2s. 0d. 8 0 18 6 0
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## IN NANTUCKET COUNTY.

Sherbourn, . .	Fifteen pounds twelve shillings, . . .	£15	12s. 0d.	One hundred and four pounds, . . .	£104	0s. 0d.	£119	12s. 0d.
		£3,912 12s. 0d.			£8,000 0s. 0d.		£11,912 12s. 0d.	
					Total, . .			

*And be it further enacted by the authority aforesaid,*

[SECT. 2.] That the treasurer do forthwith send out his warrants, directed to the selectmen or assessors of each town or district within this province, requiring them, respectively, to assess the sum hereby set upon such town and district in manner following; that is to say, to assess all ratable male polls above the age of sixteen years, at thirty-two pence per poll, and proportionably in assessing the s<sup>d</sup> additional sum received out of the treasury for the payment of the representatives, (except the governour, lieutenant-governour and their families, the president, fellows and students of Harvard College, settled ministers and grammar-school masters, who are hereby exempted as well from being taxed for their polls, as for their estates being in their own hands and under their actual management and improvement) and other persons (if such there be) who thro' age, infirmity or extream poverty, in the judgment of the assessors, are not capable to pay towards publick charges, they may except their polls and so much of their estates as, in their prudence, they shall think fit and judge meet; and the justices in general sessions, in the respective counties assembled, in granting a county tax or assessment, are hereby ordered and directed to apportion the same on the several towns in such county, in proportion to their province rate, exclusive of what has been paid out of the publick treasury to the representative of such town for his service; and the assessors of each town in the province are also directed, in making any assessments, to govern themselves by the same rule; and all estates, both real and personal, lying within the limits and bounds of such town or district, or next unto the same, not paying elsewhere, in whose hand, tenure, occupation or possession soever the same is or shall be found; and income by trade or faculty which any person or persons (except as before excepted) do or shall exercise in gaining, by money or other estate, not particularly otherwise assessed, or commissions of profit in their improvement, according to their understanding and cunning, at one penny on the pound; and to abate or multiply the same, if need be, so as to make up the sum hereby set and ordered for such town or district to pay; and in making their assessment, to estimate houses and lands at six years' income of the yearly rents whereat the same may be reasonably set or let for in the places where they lye: *saving* all contracts betwixt landlord and tenant, and where no such contract is, the landlord to reimburse one-half of the tax set upon such houses and lands; and to estimate Indian, negro and molatto servants or slaves proportionably as other personal estate, according to their sound judgment and discretion: as also to estimate every ox of four years old and upwards, at forty shillings; every cow of three years old and upwards, at thirty shillings; every horse and mare of three years old and upwards, at forty shillings; every swine of one year old and upwards, at eight shillings; every sheep and goat of one year old and upward, at three shillings: likewise requiring the assessors to make a fair list of the said assessment, setting forth in distinct columns, against each particular person's name, how much he or she is assessed at for polls, and how much for houses and lands, and how much for personal estate and income by trade or faculty.

[SECT. 3.] And the list or lists so perfected and signed by them, or the major part of them, to commit to the collectors, constable or constables of such town or district, and to return a certificate of the name or names of such collector, constable or constables, together with the sum total to each of them respectively committed, unto himself, some time before the twenty-eighth of September next; and the treasurer for the time being, upon the receipt of such certificate, is hereby impowred and ordered to issue forth his warrants to the collectors, constable or con-



stables of such town or district, requiring him or them, respectively, to collect the whole of each respective sum, assessed on each particular person, before the last of March next; and of the inhabitants of the town of Boston, to collect their proportion some time in the month of January foregoing; and to pay in their collection, and issue the accounts of the whole, at or before the last day of May next, which will be in the year of our Lord one thousand seven hundred and twenty-nine.

*And be it further enacted by the authority aforesaid,*

[SECT. 4.] That the assessors of each town and district, respectively, in convenient time before their making the assessment, shall give seasonable warning to the inhabitants in a town meeting, or in posting up notifications in some place or places in such town or district, or otherwise to notify the inhabitants to give or bring in to the assessors true and perfect lists of their polls and ratable estates; and if any person or persons shall neglect or refuse so to do, or bring in a false list, it shall be lawful to and for the assessors to assess such person or persons, according to their known ability in such town, in their sound judgment and discretion, their due proportion to this tax, as near as they can, agreeable to the rules herein given; and that each person that shall be convicted in the judgment of the assessors, of bringing in a false list shall be fined the sum of twenty shillings; the said fines to be for the use of the poor of such town or district where the delinquent lives, to be levied by warrant from the assessors, directed to the collector or constable in manner as is directed for gathering town assessments, and to be paid in to the town treasurer or selectmen for the use aforesaid: *saving* to the party aggrieved at the judgment of the assessors in setting such fine, liberty of appeal therefrom to the court of general sessions of the peace within the county, for relief, as in case of being overrated.

[SECT. 5.] And if the party be not convicted of any falseness in the list by him presented of polls, ratable estate, or income by any trade or faculty which he doth or shall exercise in gaining, by money at interest or otherwise, or other estate not particularly assessed, such list shall be a rule for such person's proportions to the tax, which the assessors may not exceed.

*And forasmuch* as, oftentimes, sundry persons not belonging to this province bring in considerable goods and merchandize, and, by reason that the tax or rate of the town where they come to trade and traffick is finished and delivered to the constables or collectors, and, before the next year's assessment, are gone out of the province, and so pay nothing towards the support of the government, tho' in the time of their residing here they reap considerable gain by trade, and had the protection of the government.—

*Be it therefore enacted by the authority aforesaid,*

[SECT. 6.] That when any such person or persons shall come and reside in any town of this province for the space of twenty days, and bring any goods or merchandize, and trade and deal therewith, the assessors of such town are hereby impowred to rate and assess all such persons according to their circumstances, pursuant to the rules and directions in this act provided, tho' the former rate may have been finished, and the new one not perfected, as aforesaid; and the constables or collectors are hereby enjoined to levy and collect all such sums committed to them and pay the same into the town treasury. [*Passed June 19; published June 24.*]

# ACTS

PASSED AT THE SESSION BEGUN AND HELD AT BOSTON,  
ON THE TWENTY–FOURTH DAY OF JULY, A.D. 1728.

## CHAPTER 15.

AN ACT FOR REPEALING AN ACT ENTIT[UL]ED “AN ACT FOR THE  
PUNISHING AND PREVENTING OF DUELLING,” AND FOR MAKING  
OTHER PROVISION INSTEAD THEREOF.

### Preamble.

WHEREAS, to the great dishonour of Almighty God, in defiance of the laws of nature and nations, contrary to the peace of our sovereign lord the King and the precious life of man, there have been of late within this province several duels, rencounters and quarrels; for preventing and suppressing such mischiefs for the future,—

*Be it enacted by His Excellency the Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

### Punishment for duels and ren- counters.

[SECT. 1.] That whoever, from and after the publication of this act, shall be so hardy and wicked as to fight a duel, or for private malice, displeasure, fury or revenge, voluntarily engage in a rencounter with rapier or small-sword, backsword, pistol or any other dangerous weapon, to the hazzard of life, maihem or wounding of the parties, or the affray of his majesty's good subjects, although death doth not thereby ensue; or shall by word, message or any other way challenge another to fight a duel, or shall accept a challenge, although no duel be fought, or shall any ways abett, prompt, encourage or seduce any person to fight a duel or to challenge another to fight, and be, by due course of law, before the court of assize and general goal delivery in any of the respective count[ie][y]s within this province, convicted thereof, shall for every such offence be carried publickly in a cart to the gallows, with a rope about his neck, and sit on the gallows for the space of one hour with a rope about his neck as aforesaid, and then committed to the common goal of the county, and there remain, without bail or mainprize, for the space of twelve months; and at the expiration thereof shall find suret[ie][y]s for the peace and good behaviour for and during the space of twelve months more.

*And be it further enacted by the authority aforesaid,*

### Disposition of the body of any person that is killed in a duel.

[SECT. 2.] That when and so often as it shall appear by the coroner's inquest that any person hath been killed in fighting a duel, the corps or body of such person so slain shall not have a Christian burial; but the coroner of the county where the fact shall be committed shall be and hereby is directed and impowered to take effectual care that the corps of all persons so killed be immediately secured and buried without a coffin, with a stake drove through the body, at or near the usual place of execution: *provided*, it be within the space of ten miles; if otherwise, then in the most publick place in the town where the fact was committed; the charge thereof to be defrayed out of the estate of

the deceased (if any to be found), by warrant of distress to be awarded by his majest[y]'s justices of the superiour court of judicature, court of assize and general goal delivery, upon the coroner's presenting a bill of charge therefor; and if no estate be found, then the charge to be paid by the county. And in case any person shall slay or kill any other in duel or fight as aforesaid, and, upon conviction thereof, suffer the pains of death, as is by law provided for wilful murder, the body of such person shall not be allowed Christian burial, but be buried without a coffin, with a stake driven thro[ugh] the body, at or near the place of execution as aforesaid.

Disposition of the body of any person that kills another in a duel.

*And be it further enacted by the authority aforesaid,*

[SECT. 3.] That the act made and pass'd in the fifth year of his late majesty King George the First, entituled "An Act for the punishing and preventing of duell[in]g," and all and singular the clauses and paragraphs in the said act contained, be and hereby are repealed and declared null and void. [*Passed August 27; published September 18.*]

Repeal of the former act. 1719-20, chap. 1

## CHAPTER 16.

### AN ACT MORE EFFECTUALLY TO SECURE THE DUTY ON THE IMPORTATION OF NEGROS.

WHEREAS the payment of the duty of four pounds per head laid upon negros imported into this province, is often evaded by bringing them in, in a clandestine manner; for remedy whereof,—

Preamble. 1705-6, chap. 11.

*Be it enacted by His Excellency the Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

[SECT. 1.] That henceforth the master of any ship or vessel whatsoever that shall bring into this province any negro or negros shall be obliged to give in upon oath a true account or list of the negros he has on board or brought with him, on penalty of one hundred pounds for failure therein or for giving a false list.

Masters of vessels to give in an account, on oath, of negros imported.

*And whereas* negros are frequently landed in the neighbouring provinces or colonies, and brought thence into this province in order to save the duty,—

*Be it enacted by the authority aforesaid,*

[SECT. 2.] That whoever shall purchase or bring into any town of this province as aforesaid, any negro or negros for which the duty has not been already paid, shall be obliged, within fourteen days after the said negros being so brought in, to make an entry with the clerks of the town where the said negro shall be brought, and to pay the duty of four pounds per head to the said clerk, to be by him transmitted to the commissioner of impost in Boston, on penalty of eight pounds to be paid for each negro not entred as is hereby required, to be recovered by action, bill, plaint or information in any of his majestie's courts of record, by the said town clerks respectively: one-half thereof to his majesty for the use of the province, one-fourth to the town clerk who shall sue for and recover the same, and one-fourth to the poor of the town where the forfeiture is made: *provided*, the prosecution be within twelve months after the bringing in of such negro or negros.

Entry of negroes imported to be made with the town clerks, and the duty to be paid them.

Penalty.

*And be it further enacted,*

[SECT. 3.] That from and after the publication of this act, the duty paid for any negros who shall dye within the space of twelve months from the time of their importation, shall be drawn back by the owner of such negros; any law, usage or custom to the contrary notwithstanding.

Drawback for negroes that die within twelve months.

Limitation.

[SECT. 4.] This act to continue in force for the space of seven years, and no longer. [*Passed September 14.*]

## CHAPTER 17.

### AN ACT FOR THE ENCOURAGEMENT OF MAKING PAPER.

Preamble.

WHEREAS the making paper within this province will be of public benefit and service, but inasmuch as the erecting mills for that purpose and providing workmen and materials for the effecting that undertaking will necessarily demand a considerable disburse of money for some time before any profit or gain can arise therefrom; *and whereas* Daniel Henchman, Gillam Phillips, Benjamin Faneuil and Thomas Hancock, together with Henry Dering, are willing and desirous to undertake the manufacturing paper; wherefore, for the promoting so beneficial a design,—

*Be it enacted by His Excellency the Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

Sole privilege  
of making  
paper granted  
to Daniel  
Henchman,  
&c., for ten  
years.  
Conditions.

[SECT. 1.] That the sole privilege and benefit of making paper within this province shall be to the said Daniel Henchman, Gillam Phillips, Benjamin Faneuil, Thomas Hancock and Henry Dering, and to their associates, for and during the term of ten years from and after the tenth day of December next ensuing: *provided* the aforesaid Daniel Henchman, Gillam Phillips, Benjamin Faneuil, Thomas Hancock and Henry Dering, shall make or cause to be made within this province, in the space of twelve months next after the tenth day of December next, two hundred ream[e] of good, merchantable, brown paper and printing paper, sixty ream thereof, at least, to be printing paper; and within the space of twelve months then next coming, shall cause to be made within this province fifty ream[e] of good merchantable writing paper, of equal goodness with the paper commonly stamp[t] with the London arm[e]s, over and above the afores[ai]d two hundred ream of brown paper and printing paper.

*And further,*

Penalty to  
others that  
shall make  
paper within  
the term.

[SECT. 2.] That the aforesaid Daniel Henchman, Gillam Phillips, Benjamin Faneuil and Thomas Hancock, together with Henry Dering, proceed and make twenty-five ream of finer and better writing paper in this province as afores[ai]d, at or before the tenth day of December, which will be in the year of our Lord one thousand seven hundred and thirty-one, and continue to make the quantit[ie][y]s and species of paper before enumerated, in the afores[ai]d two years, and that they make or cause to be made within the space of twelve months from and after the s[ai]d tenth of December, 1731, five hundred ream of good merchantable writing and printing paper, one hundred and fifty ream thereof, at least, to be writing paper, and continue to make the like quantity of five hundred ream[e] as aforesaid, every year, for and during the remaining part of the said ten years; and if any person or persons shall make any paper within this province, without leave first had and obtained from the said Daniel Henchman, Gillam Phillips, Benjamin Faneuil, Thomas Hancock and Henry Dering, he or they so making the same shall pay twenty shillings for every ream[c] of paper manufactured in this province as afores[ai]d; one half of the said twenty shillings to be to and for the undertakers, Daniel Henchman, Gillam Phillips, Benjamin Faneuil, Thomas Hancock and Henry Dering, and their associates, the other half to the use of the poor of the town where the paper shall be exposed for sale, or brought and found, to be

recovered by the said undertakers, by bill, plaint or information in any of his majesty's courts of record within the county where the offence shall be committed; or before any justice of the peace in the same county, where the forfeiture shall not exceed forty shillings. [*Passed September 13; published September 18.*]

## CHAPTER 18.

### AN ACT FOR REGULATING THE FERRY BETWEEN BRISTOL AND RHODE ISLAND.

WHEREAS there is a great concourse of travellers for passage at the ferry between the town of Bristol and Rhode Island, the constant attending whereof is of singular benefit to his majesty's subjects passing and repassing the same; and whereas great complaint is made by the keeper of the said ferry, that, although he is at considerable expence for keeping suitable boats for the service of the said ferry, and gives his constant attendance there, yet sundry persons of late, notwithstanding the provision already made by law, have, contrary to justice, and to the prejudice of the publick, presumed to transport passengers and goods over and across the said ferry, from that side of said ferry which is in this province, having no right or authority so to do,—

*Be it therefore enacted by His Excellency the Govern[ou]r, Council and Represent[at]ives in Gen[era]l Court assembled, and by the authority of the same,*

That if any person or persons shall, from henceforth, presume to receive on board any boat or other vessel, and transport, any passenger or passengers, horse or horses, or any sort of cattle or goods from the said town of Bristol to Rhode Island, at the place where the ferry is already stated, there or within half a mile above or below the same, having no right or authority so to do from the court of general sessions of the peace within the county of Bristol, nor leave from the person or persons authorized by the said court to keep the said ferry, he or they shall, for every such offence, forfeit and pay the sum forty shillings; the one half to his majesty for and towards the support of this government, and the other half to him or them that shall inform and sue for the same, before one of his majest[y]'s justices of the peace within the said county of Bristol, and be further liable to pay such damages as may or shall accrue to the person or persons assigned and authorized to keep the said ferry. [*Passed August 29; published September 18.*]

Preamble.  
1693, chap. 3,  
§ 3.  
1694-5, chap. 16.  
1726-27, chap. 14.

Penalty for  
transporting  
passengers or  
goods over Bris-  
tol ferry with-  
out authority.

## CHAPTER 19.

### AN ACT FOR ALTERING THE TIME FOR HOLDING THE COURT OF GENERAL SESSIONS OF THE PEACE, AND INFERIOUR COURT OF COMMON PLEAS WITHIN THE COUNT[IE][Y]S OF ESSEX, MIDDLESEX AND PLYMOUTH.

WHEREAS the time by law appointed for holding the court of general sessions of the peace, and inferiour court of common pleas, at Salem for the county of Essex, on the last Tuesday of June, and at Cambridge for the county of Middlesex, on the second Tuesday of June, and at Plymouth, for the county of Plymouth, on the third Tuesday of June, aforesaid, is the usual time of the sitting of the general assembly, whereby the business of the said courts is frequently interrupted and delayed,

Preamble.  
1699-1700, chaps.  
1 and 2.  
1712-13, chap. 5.  
1716-17, chap. 19.



by reason that several of the members of the court are obliged to attend at the general assembly ; for remedy whereof,—

*Be it enacted by His Excellency the Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

Time of holding  
divers courts in  
Essex, Middle-  
sex and Plym-  
outh, altered.

That the said court of general sessions of the peace, and inferiour court of common pleas, appointed to be held at Salem, for the county of Essex, on the last Tuesday of June, be henceforth holden and kept at Salem aforesaid, on the second Tuesday of July annually ; and that the court of general sessions of the peace and inferiour court of common pleas, appointed to be held at Cambridge, for the county of Middlesex, on the second Tuesday of June, be henceforth holden and kept at Cambridge aforesaid, on the third Tuesday of May annually ; and that the court of general sessions of the peace, and inferiour court of common pleas, appointed to be held at Plymouth, for the county of Plymouth, on the third Tuesday of June, be also henceforth holden and kept at Plymouth aforesaid, on the said third Tuesday of May annually ; any law, usage or custom to the contrary notwithstanding. [*Passed August 27 ; published September 18.*]

## CHAPTER 20.

AN ACT FOR ERECTING A NEW TOWN WITHIN THE COUNTY OF MIDDLESEX, AT THE SOUTH PART OF TURKEY HILLS (SO CALLED), BY THE NAME OF LUNENBURG.

WHEREAS the southerly part of Turkey Hills (so called), of the contents of six mile square, is competently filled with inhabitants, who have settled a learned and orthodox minister among them, and are desirous to be set off a distinct and separate town, and that they may be vested with all the powers and privileges of a town,—

*Be it therefore enacted by His Excellency the Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

A new town  
called Lunen-  
burg.

Bounds thereof.

[SECT. 1.] That the southerly part of Turkey Hills, as hereafter bounded and described, be, and hereby is, set off and constituted a separate township, by the name of Lunenburg ; the bounds of the said township to be as followeth ; viz., on the east, with the west line of the town of Groton ; southerly, partly on the north line of Lancaster, partly on the line of Lancaster New Grant, and partly on wilderness land ; northerly, on the line which divides it from Turkey Hills North Town (so called), and westerly on wilderness land (the westerly bounds to be hereafter more particularly settled as this court shall direct) ; and that the inhabitants thereof, together with such as shall settle upon the land belonging to Woburn, and the land belonging to Dorchester, and the farm called Boardman's Farm, lying in or near the center of said Turkey Hill (which lands are hereby annexed unto, and shall be from henceforward reckoned and accounted as part of the said township of Lunenburg), be, and hereby are, vested with the powers, privileges and immunit[ie][y]s that the inhabitants of any of the towns within this province are or ought by law to be vested with.

*Provided,*

Proviso.

[SECT. 2.] That the inhabitants of the said town of Lunenburg do, within the space of two years from the publication of this act, erect and finish a house for the publick worship of God, of the dimensions and in the place reported by a late committee, and accepted by this

court in their present session, and provide for the comfortable and honourable support of a learned orthodox minister among them, and likewise provide a school-master to instruct their youth in reading and writing.

*Provided, also,—*

*And be it further enacted,*

[SECT. 3.] That if any of the grantees of those lots, in the said town of Lunenburg, which are not yet settled, shall, for the space of twelve months from the publication of this act, neglect to settle the same in manner as is provided by the original grant of the said lands, the right of all such lots not settled as aforesaid, shall revert to the province, to be disposed of as this court shall think fit; any former order of this court to the contrary notwithstanding. Proviso. [Passed August 1; published September 18.]

# ACT

PASSED AT THE SESSION BEGUN AND HELD AT SALEM,  
ON THE SECOND DAY OF APRIL, A.D. 1729.

## CHAPTER 21.

AN ACT IN ADDITION TO THE ACT ENTITLED "AN ACT FOR ALLOWING NECESSARY SUPPL[IE][Y]S TO THE EASTERN INDIANS," &c.

Preamble.  
1725-26, chap.  
11.

WHEREAS, in and by an act made and passed in the twelfth year of his late majesty King George the First, entit[u]lled "An Act for the allowing necessary suppl[ie][y]s to the Eastern Indians, and for regulating trade with them, and for [the] repealing an act to prohibit trade and commerce with the Eastern Indians, made and pass[ed] in the eighth year of his present majest[y][ie]'s reign," provision is made for the trade with the Eastern Indians only; and, since the erecting of truck-houses to the eastward of Falmouth, in Casco Bay, other truck-houses have been appointed; one in the western frontiers in the county of Hampshire, and another on Saco River in the county of York; which renders it necessary that the same care be taken to prevent strong drink being sold to any Indian or Indians resorting to or trading at any of the truck-houses, by any person or persons other than the truck-masters,—

*Be it enacted by His Excellency the Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

No person to  
sell strong  
drink to the  
Indians that  
trade at the  
truck-houses.

[SECT. 1.] That no person or persons, after the publication of this act, do presume, by themselves or others for them, directly or indirectly, to give, sell, barter or exchange any strong beer, ale, cyder, perry, rum, brandy or any other strong drink to any Indian or Indians resorting to any of the truck-houses now built, or that hereafter may be built, by order of this court, other than the truck-masters, on penalty of forfeiting and paying the sum of fifty pounds, or suffering six months' imprisonment for each offence; and in case any rum or other strong liquors shall be sold or traded with on board any vessel, or transported into those parts of the province where any truck-houses may be erected, for sale to the Indians contrary to the true intent and meaning of this act, all such rum or strong liquors shall be forfeited. The fines and penalties in this act mentioned, shall be recovered and disposed of in manner as by the aforesaid act is directed.

Penalty.

Limitation.

[SECT. 2.] This act to continue and be in force to the end of the session of the general court in May, one thousand seven hundred and thirty-one, and no longer. [*Passed April 18; published April 23, 1729.*]

NOTES.—There were but three sessions of the General Court this year, at all of which acts were passed.

The adjourned second, and third, sessions were held at Salem by order of Governor Burnet, whose reasons for selecting that place are shown in the following extracts from his letters to the Lords of Trade. On the thirteenth of September he wrote,—“I came hither (Boston) on the 19<sup>th</sup> July and have ever since the 24<sup>th</sup> been contending with a stiff assembly. I will wait some time before I form a final judgment on their proceedings.” Again, October 26, he wrote,—“your Lordships will observe that I endeavoured to bring them

(the Assembly) out of their inactive state by my speech of the 1<sup>st</sup> of October of which they would of themselves take no notice, and when on the 5<sup>th</sup> the Council proposed to them to join in considering it, the House put it off to the 23<sup>rd</sup> and when they met on that day they refused to join with the Council, and on the 24<sup>th</sup> they made me an answer by themselves which is not only a refusal of the thing proposed in my last speech, but likewise a persisting in disregarding His Majesty's 23<sup>rd</sup> Instruction about fixing a Salary.

Upon this I thought it proper to do what I had for a week before told them in private discourse that I would do unless they would prevent it by a compliance, and that is I have adjourned the General Court to Salem a town about 20 miles from hence to meet on the 31<sup>st</sup> instant. My reasons for doing it are these—Because this Town of Boston has shewn their disrespect and undutifulness to His Maj<sup>y</sup> by calling a General Town Meeting of all the freemen of this Town, in which they unanimously gave instructions to their members to vote against fixing a Salary on the Governour. This was first done in this Town and has been followed by some Towns in the Province, 3 or four of them have done the same with Boston but others have had the prudence to decline giving any instructions but have left it to their members. This attempt of which Boston set the example is of so dangerous a nature to the constitution if it should be drawn into precedent and has been so maliciously employed at this time, that I thought it necessary for the Government to shew its resentment upon it.

Because the people of the town are continually endeavouring to pervert the minds of the Members that come from the Country who it is to be hoped will not be so much tampered with in the Country, and particularly at Salem where I am informed the people are generally well inclined as the members for that place are.

Because the whole profit of the Meeting of the Assembly is confined to the Town of Boston who deserve so ill at the hands of the Government and therefore their interest leads them to keep the Assembly together as long as they can for the benefit of the Town which has often been the occasion of many tedious and needless sessions and I believe it will be acceptable to the country to have the expenses of the General Court circulate through the principal towns of the Province which is the method I intend to pursue till I have orders from your Lordships which I earnestly entreat that I may have by the first vessel that will sail for this place in the Spring which will be in February next.”—*Public Record Office: “New Eng., Board of Trade,” vol. 15., Z., 32.*

The second session continued at Salem until December 20, when the Court was prorogued to April 2, 1729, at the same place. The third session was dissolved April 18, 1729.

The engrossments of all the foregoing acts, except of chapters 11 and 16, are preserved; and all, except chapters 13, 14, 16 and 20, were printed with the sessions acts.

Chapters 1 to 14, inclusive, were sent, by order of the Board of Trade, to Mr. Fane, for his opinion thereon, February 4, 1728-29; and, July 15, 1729, chapters 15 to 19, inclusive, were submitted to Mr. Fane in like manner. Upon the former, Mr. Fane reported, November 6, 1729, and upon the latter, July 29, 1729, that he had no objection thereto in point of law.

Chapter 20 was “casually omitted” from the printed sessions-acts of this year, and was forwarded to the Lords of Trade with the acts of 1730. Mr. Fane reported upon this act twice—March 27, and October 26, 1731—that he had “no objection,” &c. Chapter 21 was submitted to Mr. Fane June 10, 1731, and was included in the list of acts upon which he reported, October 26, 1731, that he had no objection to them in point of law.

(a.) “June 14, 1728. In the House of Representatives RESOLVED that the Treasurer be and hereby is empowered & directed to issue forth & emit the Sum of Sixteen Thousand Pounds in Bills of Credit on this Province for the necessary Support and Defence of this Governm<sup>t</sup> & the Protection & Preservation of the Inhabitants thereof (The said Sixteen Thousand Pounds being already in the Hands of the Treasurer & received for Taxes Impost &c.) To be issued out & disposed of by Warrant under the Hand of the Lieutenant Govern<sup>r</sup> or Commander in Chief for the Time being with the Advice & Consent of the Council; Fifteen Thousand five Hundred Pounds whereof shall be applied for the Uses Intents & Purposes in this Resolve hereafter expressed; viz. For the Payment of all Grants Premiums and Stipends established by Law; for the defraying & paying the Charges of Castle William, & the other Forts & Garrisons, Transports, Muster Rolls of Soldiers & Sailors, Allowances &c. and all other Accounts of Charges allowed & pass'd on for Payment by this Court; And that the Sum of Five Hundred Pounds, being the residue & remaining Part of the said Sixteen Thousand Pounds shall be applied for the Payment of Expresses dispatched in the Service of this Governm<sup>t</sup> in the Recess of this Court together with all necessary unforeseen Charges that demand prompt Payment, which shall arise in the Recess of this Court as aforesaid: *provided always* that the several Draughts made upon the Treasurer as aforesaid express & declare out of which of the two several Sums aforementioned the Money is to be paid: And the said Bills shall pass out of the Treasury at the Value therein expressed equivalent to Money & shall be so taken & accepted in all publick Payments: And the Duties of Impost & Excise together with all the other publick Incomes shall be a Fund & Security for the Payment & Drawing in the said Bills into the Treasury again so far as the same will reach; And as a further Fund & Security for the same,

It is further RESOLVED that there be & hereby is granted unto His most Excellent Majesty for the Ends & Uses aforesaid & for no other Ends & Uses whatsoever a Tax of Sixteen Thousand Pounds upon Polls & Estates both Real & Personal within this Province according to such Rules & in such Proportion upon the several Towns & Districts within the same as shall be agreed on & Ordered by the Great & General Court or Assembly of this Province at their Session in May One Thousand seven Hundred & thirty eight, and paid into the publick Treasury on or before the last day of December next after.

In Council; Read & Concur'd;—  
—*Council Records, vol. XIV., p. 89.*

Consented to, WM DUMMER.”

(b.) "Aug. 28. 1728. In the House of Representatives RESOLVED that the Treasurer be & hereby is impowered & directed to issue forth & emit the Sum of Twenty Thousand Pounds in Bills of Credit on this Province for the necessary Defence & Support of the Governm<sup>t</sup> & the Protection & Preservation of the Inhabitants thereof; The said Twenty Thousand Pounds being already in the Hands of the Treasurer & received for Taxes, Impost &c., To be issued & disposed of by Warrant under the Hand of His Excellency the Govern<sup>r</sup> with the Advice & Consent of the Council: Nineteen thousand five Hundred Pounds thereof shall be applied for the Uses, Intents & Purposes in this Resolve hereafter expressed; viz, For the Payment of Grants, Premiums & Stipends established by Law, for the defraying & paying the Charges of Castle William & the other Forts & Garrisons, Transports, Muster Rolls of Soldiers & Sailors, Allowances &c., and all other Accompts of Charges allowed and pass'd on for Payment by this Court; And that the Sum of Five Hundred Pounds shall be applied for the Payment of Expresses dispatched in the Service of this Governm<sup>t</sup> in the Recess of this Court, together with\* all other necessary & unforeseen Charges that demand prompt Payment, which shall arise in the Recess of this Court as aforesaid: *provided always* that the several Draughts upon the Treasurer as aforesaid express & declare out of which of the two Sums aforementioned the Money is to be paid;

And the said Bills shall pass out of the Treasury at the Value therein express'd equivalent to Money, & shall be so taken & accepted in all publick Payments; And the Duties of Impost & Excise together with all other Incomes shall be a Fund & Security for the Payment & drawing the said Bills into the Treasury again so far as the same will reach;

And it is further RESOLVED that there be & hereby is granted unto His most Excellent Majesty, for the Ends & Uses aforesaid & for no other Ends & Uses whatsoever, a Tax of Twenty Thousand Pounds to be levied upon Polls & Estates both Real & Personal within this Province according to such Rules & in such Proportion upon the several Towns & Districts within the same as shall be agreed on & ordered by the Great & General Court or Assembly of this Province at their Session in May One Thousand seven hundred & thirty nine & paid into the publick Treasury on or before the last day of December next after.

In Council; Read & Concur'd;—  
—*Ibid.*, p. 154.

Consented to, W. BURNET."

*Stc.*



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ACTS,  
PASSED 1729-30.

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# ACTS

PASSED AT THE SESSION BEGUN AND HELD AT CAM-  
BRIDGE, ON THE TWENTIETH DAY OF AUGUST,  
A.D. 1729.

## CHAPTER 1.

AN ACT FOR ERECTING A NEW TOWN WITHIN THE COUNTY OF MID-  
DLESEX, BY THE NAME OF BEDFORD.

WHEREAS the inhabitants of the north-easterly part of Concord, and the southerly part of Billerica, labour under great difficulties in their attendance on the publick worship of God, and thereupon have addressed this court that the lands on the north-easterly part of Concord and the southerly part of Billerica, lying together and whereon they dwell, may be erected into a township, and they may be set[t] off a distinct and separate town vested with all the privileges of a town,—

*Be it therefore enacted by the Lieuten[an]t-Govern[ou]r, Council and Represent[ati]ves in General Court assembled, and by the authority of the same,*

[SECT. 1.] That the north-easterly part of the said town of Concord, and the southerly part of the said town of Billerica, be, and hereby is, set off and constituted a separate township, by the name of Bedford; the bounds of the said township to be as follows; viz., to begin at Concord Great River, so running in the line between Richard Wheeler's and William Colburn's land, taking in said Wheeler's farm, to a stake standing in a ditch bank; then turning in the line between Joseph Wheeler's and Jonathan Wheeler's land, so in the line between John Miriam's and Ruth Hartwell's land; then turning to a ditch bank between Peter Harwood's and Eleazer Flagg's meadow, so to a pine tree standing in Timothy Wheeler's meadow; then to the east end of said Wheeler's dam; from thence to the corner of s[ai]d Wheeler's fence near John Stern[s]'s field; then streight to a stump, being a bound mark between Samuel Hartwell's and Stephen Davis's land, so taking in Stephen Davis's farm to Lexington bounds, and keeping Lexington line to Billerica line, to a stake and heap of stones, being the north-easterly corner of Concord; from thence continuing on Lexington line to a stake and heap of stones called Woburn corner; from thence to run on Woburn line to the north-east corner of William Symond's land, running so as to comprehend said Symond[s]'s farm, and Mr. Thompson[s]'s farm, to a white oak east of the highway from Bacon's to Billerica, marked W F B; a str[eigh]t line from thence to the north-west corner of Bacon's farm; from thence on a str[eigh]t line to the north-west corner of Christopher Page's farm, then to keep the line so as to comprehend the said farm, and from thence on a streight line to the north-west corner of Matthew Whipple's farm, at Concord River, the said river to be the westerly bounds of the township.

Preamble.

A new town called Bedford.

The bounds thereof.

[SECT. 2.] And that the inhabitants of the s[ai]d lands as before described and bounded be, and hereby are, vested with the powers, privileges and immunities that the inhabitants of any of the towns of this province are or ought by law to be vested with: *provided*, that the said town of Bedford do, within the space of three years from the publication of this act, erect, build and finish a suitable house for the public worship of God, and procure and settle a learned orthodox minister of good conversation, and make provision for his comfortable and honourable support, and likewise provide a school to instruct their youth in writing and reading. [*Passed and published September 23.*]

## CHAPTER 2.

### AN ACT FOR ERECTING THE WEST PRECINCT IN THE TOWN OF CHELMSFORD INTO A TOWNSHIP, BY THE NAME OF WESFORD.

Preamble.

WHEREAS the inhabitants of the west precinct in the town of Chelmsford in the county of Middlesex have addressed this court, setting forth the many difficulties they now labour under as a precinct, which might be effectually remedied, if they were constituted a township,—

*Be it therefore enacted by the Lieuten[an]t-Governour, Council and Represent[at]ives in General Court assembled, and by the authority of the same,*

A new town called Wesford.

That the lands contained in the said precinct as they are hereafter set forth and described, be, and hereby are, set off and constituted a distinct and separate township, by the name of Wesford; the bounds of the said township to be as follows: beginning at the south-east corner at a heap of stones, being the bounds between Chelmsford and the said town of Wesford; thence running north to a chesnut tree, mark'd and stones about it, so running on a streight line north to a pine tree marked at Col[1]. Tyng's farm; thence westwardly upon Col[1]. Tyng's farm, or Dunstable line, to a heap of stones; thence southerly by Groton line till it comes to Littleton land; then upon Littleton land southerly or south-easterly, till it come to Concord line; thence easterly on Concord line to the bounds first mentioned; and that the inhabitants of the said lands as before bounded and described be, and hereby are, vested with the powers, privileges and immunities that the inhabitants of any of the towns within this province are or ought by law to be vested with. [*Passed and published September 23.*]

The bounds thereof.

## CHAPTER 3.

### AN ACT FOR GRANTING UNTO HIS MAJESTY SEVERAL RATES AND DUTIES OF IMPOST AND TUNNAGE OF SHIPPING.

WE, his majestie's most loyal and dutiful subjects, the representatives of his majestie's province of the Massachusetts Bay in New England, considering the necessity of calling in the sum of twenty thousand pounds granted to his late majesty by bills emitted at the several sessions in the year one thousand seven hundred and twenty-five, to be levyed and collected in this present year, have cheerfully and unanimously given and granted, and do hereby give and grant, unto his most excellent majesty, to the ends, use and intent aforesaid, and for

no other use, the several duties of impost upon wines, liquors, goods, wares and merchandize that shall be imported into this province, and 'unmage of shipping hereafter mentioned and expressed, for calling in the sum of five thousand pounds, part of the said sum of twenty thousand pounds abovementioned : and pray that it may be enacted,—

*And be it accordingly enacted by the Lieutenant-Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

[SECT. 1.] That, after the twenty-third day of September, current, there shall be paid by the importer of all wines, liquors, goods, wares and merchandize, that shall be imported into this province from the place of their growth (salt, cotton-wool, provisions, and every other thing of the growth and produce of New England excepted), the several rates and duties of impost following : vizt.—

For every pipe of wine of the Western Islands, twenty shillings.

For every pipe of Canary, thirty shillings.

For every pipe of Madera, twenty-five shillings.

For every pipe of other sorts not mentioned, twenty-five shillings.

For every hogshead of rum containing one hundred gallons, twenty shillings.

For every hogshead of sugar, two shillings.

For every hogshead of molosses, one shilling.

For every hogshead of tabacco, twenty shillings.

For every tun of logwood, three shillings.

And so, proportionably, for greater or lesser quantities.

And for all other commodities, goods and merchandize, not mentioned or excepted, one penny for every twenty shillings' value ; all goods imported from Great Britain excepted.

[SECT. 2.] And for any of the above wines, liquors, goods, wares, merchandize, &c., that shall be imported into this province from any other port than the places of their growth and produce, there shall be paid by the importer double the value of impost appointed by this act to be received for every species abovementioned, unless they do *bona fide* belong to the inhabitants of this province, and came upon their risque from the port of their growth and produce.

*And be it further enacted by the authority aforesaid,*

[SECT. 3.] That all the afores<sup>d</sup> imposts, rates and duties shall be paid in current money, or in bills of credit of this province, by the importer of any wines, liquors, goods, wares and merchandize, unto the commissioner and receiver to be appointed, as is hereinafter directed, for entring and receiving the same, at or before the landing of any wines, liquors, goods or merchandizes : *only* the commissioner or receiver is hereby allowed to give credit to such person or persons when his or their duty of impost, in one ship or vessell doth exceed the sum of ten pounds ; and in case where the commissioner or receiver shall give credit, he shall settle and ballance his accompts with every person, so that the same accompts may be ready to be presented to this court in May next. And all entries where the impost or duty to be paid doth not exceed four shillings, shall be made without charge to the importer, and not more than sixpence to be paid for any other single entry to what value soever.

*And be it further enacted by the authority aforesaid,*

[SECT. 4.] That all masters of ships or other vessells coming into any harbour or port within this province from beyond sea, or from any other province or colony, before bulk be broken and within twenty-four hours after his arrival to such harbour or port, shall make a report to the commissioner or receiver of the impost, to be appointed as is hereinafter mentioned, of the contents of the lading of such ship or vessell,



without any charge or fee to be demanded or paid for the same, which report such master shall give in to the said commissioner or receiver, under his hand, and shall therein set down and express the quantities and species of the wines, liquors, goods and merchandize laden on such ship or vessell, with the marks and numbers thereof, and to whom the same is consigned; and also make oath that the said report or manifest of the contents of his lading, so to be by him given in, under his hand, as aforesaid, contains a just and true accompt, to the best of his knowledge, of the whole lading taken on board and imported in the said vessell from the port or ports such vessell came from, and that he hath not broken bulk nor delivered any of the wines, rum or other distilled liquors or merchandize laden on said ship or vessell, directly or indirectly, and that if he shall know of any more wines, liquors, goods or merchandize to be imported therein, before the landing thereof he will cause it to be added to his manifest; which manifest shall be agreeable to a printed form made for that purpose, which is to be filled up by the said commissioner or receiver, according to each particular person's entry; which oath the commissioner or receiver is hereby impowered to administer: after which such master may unload, and not before, on pain of one hundred pounds, to be forfeited and paid by each master that shall neglect his duty on this behalf.

*And be it further enacted by the authority aforesaid,*

[SECT. 5.] That all merchants, factors and other persons, importers, being owners of, or having any of the wines, liquors, goods or merchandizes consigned to them, that by this act are liable to pay impost or duty, shall, by themselves or order, make entry thereof in writing, under their hands, with the said commissioner or receiver, and produce unto him the original invoice of all such goods as pay *ad valorem*, and make oath thereto in manner following:—

You, A. B., do swear that the entry of the goods and merchandize, by you now made, contains the true value, agreeable to the original invoice herewith exhibited; and that, according to your best skill and judgment, it is not less then the real cost thereof. So help you God.

—which abovesaid oath the commissioner or receiver is hereby impowered to administer; and they shall pay the duty and impost by this act required, before such wines, liquors, goods, wares or merchandizes be landed or taken out of the vessell in which the same shall be imported; on pain of forfeiting all such wines, liquors, goods, wares or merchandize so landed or taken out of the vessell in which the same shall be imported.

[SECT. 6.] And no wines, liquors, goods, wares or merchandizes that by this act are liable to pay impost or duty, shall be landed on any wharfe or into any warehouse or other place, but in the day-time only, and that after sunrise and before sunset, unless in the presence and with the consent of the commissioner or receiver, on pain of forfeiting all such wines, liquors, goods, wares and merchandizes, and the lighter, boat or vessell out of which the same shall be landed or put into any warehouse or other place.

[SECT. 7.] And if any person or persons shall not have and produce an invoice of the quantities of rum or liquors to him or them consigned, then the cask wherein the same is shall be gaged at the charge of the importer, that the quantity thereof may be known.

*And be it further enacted by the authority aforesaid,*

[SECT. 8.] That every merchant or other person, importing any wines into this province, shall be allowed twelve per cent for leakage: *provided* such wines have not been filled up on board; and that every hogshead, butt or pipe of wine that hath two third parts thereof leaked

out, shall be accounted for outs, and the merchant or importer to pay no duty or impost for the same. And no master of a ship or any other vessel shall suffer any wines to be filled up on board without giving a certificate of the quantity so filled, under his hand, before the landing thereof, to the commissioner or receiver of the impost in such port, on pain of forfeiting the sum of fifty pounds.

[SECT. 9.] And if it be made to appear that any wines imported in any ship or vessel be decayed at the time of the unlading thereof, or in twenty days afterwards, oath being made before the commissioner or receiver that the same hath not been landed above that time, the duties and impost paid for such wines shall be repaid to the importer thereof.

*And be it further enacted by the authority aforesaid,*

[SECT. 10.] That the master of any ship or vessel importing any wines, liquors, goods, wares or merchandize, shall be liable to and shall pay the impost for such and so much thereof contained in his manifest as shall not be duly entred nor the duty paid for the same by the person or persons to whom such wines, liquors, goods, wares or merchandize are or shall be consigned; and it shall and may be lawful to and for the master of every ship or other vessel to secure and detain in his hands, at the owner's risque, all such wines, liquors, goods, wares or merchandize imported in any such ship or vessel, until he shall receive a certificate from the commissioner or receiver of the impost that the duty for the same is paid, and until he be repaid his necessary charges in securing the same; or such master may deliver such wines, liquors, goods, wares or merchandizes as are not entred, unto the commissioner or receiver of the impost in such port, or his order, who is hereby impowred and directed to receive and keep the same, at the owner's risque, until the impost thereof, with the charges, be paid; and then to deliver such wines, liquors, goods, wares or merchandize as such masters shall direct.

*And be it further enacted by the authority aforesaid,*

[SECT. 11.] That the commissioner or receiver of the impost, in each port, shall be, and hereby is, impowred to sue the master of any ship or vessel for the impost or duty for so much of the lading of any wines, liquors, goods, wares and merchandizes imported therein, according to the manifest by him to be given upon oath, as aforesaid, as shall remain not entred and the duty of impost thereof not paid: and where the goods, wares or merchandizes are such as that the value thereof is not known, whereby the impost to be recovered of the master for the same cannot be ascertained, the owner, or person to whom such goods, wares or merchandizes are or shall be consigned, shall be summoned to appear as an evidence at the court where suit for the impost and duty thereof shall be brought, and be there required to make oath to the value of such goods, wares or merchandizes.

*And be it further enacted by the authority aforesaid,*

[SECT. 12.] That the ship or vessel, with her tackle, apparel and furniture, the master of which shall make default in anything by this act required to be performed by him, shall be liable to answer and make good the sum or sums forfeited by such master, according to this act, for any such default; as also to make good the impost or duty for any wines, liquors, goods, wares or merchandizes not entred as afores<sup>d</sup>, and, upon judgment recovered against such master, the said ship or vessel, or so much of the tackle or appur<sup>ces</sup> thereof as shall be sufficient to satisfy said judgment, may be taken in execution for the same; and the commissioner or receiver of the impost is hereby impowred to make seizure of such ship or vessel, and detain the same under seizure until judgment be given in any suit to be commenced and prose-

cuted for any of the said forfeitures or impost, to the intent that if judgment be rendred for the prosecutor or informer, such ship or vessell and appurces may be exposed to sale for satisfaction thereof, as is before provided: *unless* the owners, or some on their behalf, for the releasing such ship or vessell from under seizure or restraint, shall give sufficient security to the commissioner or receiver of the impost that seized the same, to respond or satisfy the sum or value of the forfeiture and duties, with charges, that shall be recovered against the master thereof, upon suit to be brought for the same, as aforesaid; and the master occasioning such loss and damage to his owners, through his default or neglect, shall be liable unto their action for the same.

*And be it further enacted,*

[SECT. 13.] That the naval officer within any of the ports of this province shall not clear or give passes to any master of any ship or other vessell outward bound, until he shall be certified by the commissioner or receiver of the impost, that the duties and impost for the goods last imported in such ship or vessell are paid or secured to be paid: and the commissioner or receiver of the impost is hereby impowred to allow bills of store to the master of any ship or vessell importing any wines or liquors, for such private adventures as shall belong to the master or seamen of such ship or other vessell, at the discretion of the commissioner or receiver, not exceeding three per cent of the lading: and the duties payable by this act for such wines or liquors in such bills of store mentioned and expressed, shall be abated.

*And be it further enacted by the authority aforesaid,*

[SECT. 14.] That all penalties and forfeitures accruing and arising by vertue of this act, shall be one half to his majesty, for the uses and intents for which the aforementioned duties of impost are granted, and the other half to him or them that shall seize, inform and sue for the same, by action, bill, plaint or information in any of his majestie's courts of record, wherein no essoin, protection or wager of law shall be allowed; the whole charge of prosecution to be taken out of the half belonging to the informer.

*And be it further enacted by the authority aforesaid,*

[SECT. 15.] That there shall be paid by the master of any ship or other vessell coming into any port or ports in this province to trade or traffick, whereof all the owners are not belonging to this province, except such vessells as belong to Great Britain, the provinces or colonies of Pensilvania, West and East Jerseys, New York, Connecticut and Rhode Island, every voyage such ship or vessell do's make, the sum of two shillings and sixpence per tun, or one pound of good, new pistol-powder for every tun such ship or vessell is in burthen: *saving* for that part which is owned in Great Britain, this province or any of the aforesaid governments (which are hereby exempted), to be paid unto the commissioner or receiver of impost, and to be employed for the ends and uses aforesaid.

[SECT. 16.] And the said commissioner is hereby impowred to appoint a meet and suitable person to repair unto and on board any ship or vessell, to take the exact measure or tunnage thereof, in case he shall suspect that the register of such ship or vessell doth not express and set forth the full burthen of the same; the charge thereof to be paid by the master or owner of such ship or vessell before she be cleared, in case she appear to be of greater burthen, otherwise, to be paid by the commissioner out of the moneys received by him for impost, and shall be allowed him accordingly, by the treasurer, in his accompts. And the naval officer shall not clear any vessell until he be also certified by the said commissioner that the duty of tunnage for the same is paid, or that it is such a vessell for which none is payable according to this act.

*And be it further enacted by the authority aforesaid,*

[SECT. 17.] That there be one fit person, and no more, nominated and appointed by this court as a commissioner and receiver of the aforesaid duties of impost and tunnage of shipping, and for the inspection, care and management of the said office, and whatsoever relates thereunto, to receive commission for the same from the governour or commander-in-chief for the time being, with authority to substitute and appoint a deputy receiver in each port besides that wherein he resides, and to grant warrants to such deputy receivers for their said place, and to collect and receive the impost and tunnage of shipping aforesaid, that shall become due within such port, and to render the accompts thereof and pay in the same to the said commissioner and receiver; which said commissioner and receiver shall keep fair books of all entries and duties arising by virtue of this act, also a particular accompt of every vessell, so that the duties of impost and tunnage arising on the said vessell may appear; and the same to lay open, at all seasonable times, to the view and perusal of the treasurer and receiver-general of this province, or any other person or persons whom this court shall appoint, with whom he shall accompt for all collections and payments, and pay in all such moneys as shall be in his hands, as the treasurer or receiver-general shall demand it. And the s<sup>d</sup> commissioner and receiver, and his deputy and deputies, before their entring upon the execution of the s<sup>d</sup> office, shall be sworne to deal truly and faithfully therein, and shall attend in the office from nine to twelve of the clock in the forenoon, and from two to five of the clock in the afternoon.

[SECT. 18.] And the said commissioner and receiver, for his labour, care and expences in the said office, shall have and receive, out of the province treasury, the sum of seventy pounds per annum; and his deputy or deputies to be paid for their service such sum or sums as the said commissioner and receiver, with the treasurer, shall agree, upon reasonable terms, not exceeding thirty pounds each; and the treasurer is hereby ordered, in passing and receiving the said commissioner's accompts, accordingly, to allow the payment of such salary or salaries, as aforesaid, to himself and his deputy or deputies.

*Provided,*

[SECT. 19.] That this act shall be and continue in force from the twenty-third day of September current, until the twenty-fifth day of Septem<sup>r</sup>, which will be in year of our Lord one thousand seven hundred and thirty, and no longer. [*Passed September 18; published September 23.*]

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## CHAPTER 4.

AN ACT FOR APPORTIONING AND ASSESSING A TAX OF EIGHT THOUSAND TWO HUNDRED AND EIGHTY POUNDS; AND ALSO FOR APPORTIONING AND ASSESSING A FURTHER TAX OF FOUR THOUSAND SIX HUNDRED FORTY-THREE POUNDS SIXTEEN SHILLINGS, PAID THE REPRESENTATIVES ANNO 1728.

WHEREAS the great and general court or assembly of the province of the Massachusetts Bay in New England, at their session in May, 1725,\* did pass a grant of a tax on polls and estates, which, with the impost and excise, was to be a fund and security for payment and drawing in the sum of twenty thousand pounds, in bills of credit on this province

\* NOTES to 1725-26, resolve (a).

ordered to be imprinted, repeated and issued out of the publick treasury for the service of the government, in the s<sup>d</sup> session begun and held in May, 1725, and applyed to the end and uses in the said grant particularly enumerated and expressed; by the resolve of the court that made the aforesaid grant, it was then ordered, that the said sum of twenty thousand pounds should be apportioned, and assessed, and levyed on polls, and estates both reall and personal, within this province, according to such rules and such proportion upon the several towns and districts within this province as should be agreed on and ordered by the court this present year; *wherefore*, for the ordering, directing, perfecting and calling in the said sum of twenty thousand pounds, it is hereby agreed on and ordered that there be a tax of eight thousand two hundred and eighty pounds levyed and assessed on polls, and estates real and personal, on the several towns within this province, in such proportion as is in this act hereafter expressed, which said sum of eight thousand two hundred and eighty pounds, together with the dutys of impost, and tunnage of shipping, and also the excise and income of the bills lett out, and the light-house, will make up the sum of eleven thousand seven hundred and twenty pounds, to perfect and fulfill the grant of twenty thousand pounds, pursuant to the grants and funds aforesaid, which is unanimously approved, ratified and confirmed; we, his majesty's most loyal and dutifull subjects, the representatives in general court assembled, pray that it may be enacted,—

*And be it accordingly enacted by the Lieut-Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

[SECT. 1.] That each town and district within this province be assessed and pay as such town's and district's proportion of the aforesaid sum of eight thousand two hundred and eighty pounds, the sums following; that is to say,—



## IN THE COUNTY OF SUFFOLK.

	RECEIVED BY THE REPRESENTATIVES.	£212 8s. 0d.	PROVINCE TAX.	£1,480 0s. 0d.	SUM TOTAL.
					£1,692 8s. 0d.
Boston.	Two hundred twelve pounds eight shillings.	63 14 0	One thousand four hundred and eighty pounds.	72 2 8	135 16 8
Roxbury.	Fifty-three pounds fourteen shillings.	63 14 0	Seventy-two pounds two shillings and eightpence.	69 15 4	133 9 4
Dorchester.	Fifty-three pounds fourteen shillings.	64 6 0	Sixty-nine pounds fifteen shillings and fourpence.	82 17 4	137 3 4
Bratney.	Fifty-four pounds.	54 0 0	Eighty-two pounds twelve shillings.	73 12 0	127 12 0
Deaham.	Fifty-seven pounds eighteen shillings.	57 18 0	Seventy-three pounds six shillings and eightpence.	63 6 8	111 4 8
Medfield.	Forty pounds ten shillings.	40 10 0	Thirty-eight pounds ten shillings and eightpence.	38 10 8	79 0 8
Medway.	Fifty-nine pounds fourteen shillings.	59 14 0	Twenty-four pounds seven shillings and fourpence.	24 7 4	24 7 4
Weymouth.	Thirty pounds six shillings.	30 6 0	Fifty-one pounds twelve shillings.	51 12 0	111 6 0
Hull.	Fifty-seven pounds sixteen shillings.	57 16 0	Sixty pounds eleven shillings and fourpence.	60 11 4	90 17 4
Wrentham.	Fifty-six pounds sixteen shillings.	56 18 0	Seventeen pounds eleven shillings and fourpence.	17 11 4	17 11 4
Wool-toek.	Fifty-three pounds two shillings.	53 2 0	Forty-six pounds.	46 16 8	101 12 8
Needham.	Forty pounds ten shillings.	40 10 0	Twenty-two pounds.	22 0 0	102 16 0
Sutton.	.	0 0 0	Twenty-six pounds eighteen shillings and eightpence.	26 18 8	88 18 0
Oxford.	.	0 0 0	Twenty-nine pounds.	29 0 0	80 0 8
Bedingham.	.	0 0 0	Forty-four pounds ten shillings.	44 10 0	70 0 0
Walspole.	.	0 0 0	Fourteen pounds four shillings.	14 4 0	41 10 0
Stoughton.	.	0 0 0	Fourteen pounds nineteen shillings and fourpence.	14 19 4	11 19 4
Uxbridge.	.	0 0 0	Twelve pounds five shillings and fourpence.	12 5 4	12 5 4
	.	0 0 0	Sixty-three pounds two shillings and eightpence.	63 2 8	63 2 8
	.	0 0 0	Twelve pounds and eightpence.	12 0 8	12 0 8

## IN THE COUNTY OF ESSEX.

	RECEIVED BY THE REPRESENTATIVES.	£100 4s. 0d.	PROVINCE TAX.	£208 14s. 8d.	SUM TOTAL.
					£4308 18s. 8d.
Salem.	One hundred pounds four shillings.	60 6 0	Two hundred and eight pounds fourteen shillings and eightpence.	208 0 8	298 6 8
Ipswich.	Sixty pounds six shillings.	60 6 0	Two hundred and eight pounds and eightpence.	177 3 4	297 9 4
Newbury.	Sixty pounds six shillings.	111 18 0	One hundred seventy-seven pounds three shillings and fourpence.	182 0 0	299 18 0
Marblehead.	One hundred eleven pounds eighteen shillings.	67 0 0	One hundred eighty-two pounds.	80 16 0	143 16 0
Lynn.	Fifty-seven pounds.	57 18 0	Eighty-six pounds sixteen shillings.	99 2 0	157 0 0
Andover.	Fifty-seven pounds eighteen shillings.		Ninety-nine pounds two shillings.		

\* See in the original.

## IN THE COUNTY OF ESSEX—Continued.

	RECEIVED BY THE REPRESENTATIVES.	PROVINCE TAX.		SUM TOTAL.
		£55 4s. 0d.	£77 8s. 0d.	£132 12s. 0d.
Beverly, . .	Fifty-five pounds four shillings, . .	60 12 0	69 8 8	130 0 8
Rowley, . .	Sixty pounds twelve shillings, . .	61 10 0	65 5 4	126 15 4
Salisbury, . .	Sixty-one pounds ten shillings, . .	51 0 0	65 19 4	116 19 4
Haverhill, . .	Sixty pounds twelve shillings, . .	60 12 0	99 1 4	159 13 4
Glocester, . .	Fifty-seven pounds eighteen shillings, . .	57 18 0	31 4 0	89 2 0
Topsfield, . .	Sixty pounds six shillings, . .	60 6 0	33 0 8	93 6 8
Boxford, . .	Fifty-nine pounds two shillings, . .	59 2 0	63 2 0	122 4 0
Almsbury, . .	Forty-five pounds six shillings, . .	45 6 0	36 16 8	82 2 8
Radford, . .	Fifty-two pounds sixteen shillings, . .	52 16 0	31 12 0	84 8 0
Wellam, . .	. . . . .	0 0 0	21 16 0	21 16 0
Manchester, . .	. . . . .	0 0 0	13 17 4	13 17 4
Mitcham, . .	. . . . .	0 0 0	15 0 0	15 0 0
Muddleton, . .	. . . . .	0 0 0		

## IN THE COUNTY OF MIDDLESEX.

		£41 14s. 0d.	*£61 10s. 8d.	£102 4s. 8d.
		£41 14s. 0d.	*£61 10s. 8d.	£102 4s. 8d.
Cambridge, . .	Forty-one pounds fourteen shillings, . .	53 2 0	133 13 4	234 15 4
Charlestown, . .	One hundred and one pounds two shillings, . .	101 2 0	70 10 0	123 12 0
Watertown, . .	Fifty-three pounds two shillings, . .	54 18 0	89 0 0	143 18 0
Concord, . .	Fifty-four pounds eighteen shillings, . .	50 14 0	31 6 8	82 0 8
Weston, . .	Fifty pounds fourteen shillings, . .	54 12 0	78 14 8	133 6 8
Woburn, . .	Fifty-four pounds twelve shillings, . .	54 0 0	62 17 4	116 17 4
Reading, . .	Fifty-four pounds, . .	54 12 0	70 2 8	124 14 8
Stedbury, . .	Fifty-four pounds twelve shillings, . .	54 18 0	54 6 0	109 4 0
Marlbrough, . .	Fifty-four pounds eighteen shillings, . .	57 0 0	44 12 0	101 12 0
Lexington, . .	Fifty-seven pounds, . .	51 12 0	54 16 0	106 8 0
Newton, . .	Fifty-one pounds twelve shillings, . .	53 2 0	50 9 4	103 11 4
Malden, . .	Fifty-four pounds two shillings, . .	57 12 0	63 4 8	120 16 8
Chelmsford, . .	Fifty-seven pounds twelve shillings, . .	58 4 0	66 3 4	124 7 4
Billerica, . .	Fifty-eight pounds four shillings, . .	38 8 0	25 2 0	63 10 0
Sherborn, . .	Thirty-eight pounds eight shillings, . .	0 0 0	12 0 0	12 0 0
Holliston, . .	. . . . .	0 0 0	38 2 0	38 2 0
Westborough, . .	. . . . .	7 16 0	50 12 0	58 8 0
Groton, . .	Seven pounds sixteen shillings, . .	52 4 0	62 16 8	115 0 8
Lancaster, . .	Fifty-two pounds four shillings, . .	45 12 0	51 0 8	96 12 8
Frammingham, . .	Forty-five pounds twelve shillings, . .			

	£0	0s.	0d.	£44	2s.	0d.	£44	2s.	0d.
Medford, . . . . .	0	0	0	46	6	0	46	6	0
Stow, . . . . .	56	14	0	22	15	4	79	9	4
Worcester, . . . . .	0	0	0	18	13	4	18	13	4
Donstable, . . . . .	0	0	0	15	1	4	15	1	4
Dreux, . . . . .	0	0	0	17	18	8	17	18	8
Stonham, . . . . .	0	0	0	13	19	4	13	19	4
Leccesh, . . . . .	0	0	0	23	14	0	23	14	0
Litteton, . . . . .	0	0	0	32	18	0	32	18	0
Rockton, . . . . .	0	0	0	7	16	0	7	16	0
Ridland, . . . . .	0	0	0	14	14	0	14	14	0
Shrewsbury, . . . . .	0	0	0	17	6	0	17	6	0
Southborough, . . . . .	0	0	0						

## IN THE COUNTY OF HAMPSHIRE.

	£51	18s.	0d.	£91	14s.	0d.	£143	12s.	0d.
Springfield, . . . . .	52	10	0	65	2	8	117	12	8
Northampton, . . . . .	61	4	0	38	14	8	99	18	8
Hadley, . . . . .	39	6	0	51	16	0	91	2	0
Hatfield, . . . . .	43	16	0	38	10	8	82	6	8
Westfield, . . . . .	8	2	0	54	0	0	62	2	0
Suffield, . . . . .	17	14	0	38	18	0	56	12	0
Endell, . . . . .	0	0	0	20	9	4	20	9	4
Deane, . . . . .	0	0	0	47	1	4	47	1	4
Brookfield, . . . . .	0	0	0	11	2	0	11	2	0
Sund-cland, . . . . .	0	0	0	12	10	8	12	10	8
North-cland, . . . . .	0	0	0	13	6	8	13	6	8
Brimfield, . . . . .	0	0	0						

## IN THE COUNTY OF PLYMOUTH.

	£42	12s.	0d.	£77	15s.	4d.	£120	7s.	4d.
Plymouth, . . . . .	48	6	0	49	10	8	97	16	8
Plimpton, . . . . .	50	14	0	103	5	4	153	19	4
Schute, . . . . .	55	10	0	81	10	0	140	0	0
Bridgewater, . . . . .	52	16	0	61	2	0	113	18	0
Marsfield, . . . . .									

\* See in the original.



Harwich, .	Thirty-seven pounds sixteen shillings, .	£37 16s. 0d.	Forty-six pounds seven shillings and fourpence, .	£46 7s. 4d.	£84 3s. 4d.
Falmouth, .	. . . . .	0 0 0	Fifty-two pounds one shilling and fourpence, .	52 1 4	52 1 4
Chatham, .	. . . . .	0 0 0	Twenty-four pounds four shillings, . . . . .	24 4 0	24 4 0

## IN THE COUNTY OF YORK.

York, .	Thirty-seven pounds four shillings, .	£37 4s. 0d.	Sixty-seven pounds three shillings and fourpence, .	£67 3s. 4d.	£104 7s. 4d.
Kiltery and Sholes, .	. . . . .	. . . . .	. . . . .	. . . . .	. . . . .
Berwick, .	Sixty pounds six shillings, . . . . .	60 6 0	Eighty-five pounds one shilling and fourpence, .	85 1 4	145 7 4
Wells, .	Thirty-five pounds eight shillings, .	35 8 0	Thirty-nine pounds eight shillings, . . . . .	39 8 0	74 16 0
Falmouth, .	Thirty-eight pounds eight shillings, .	38 8 0	Forty pounds six shillings, . . . . .	40 6 0	78 14 0
Bideford, .	. . . . .	0 0 0	Twenty-one pounds two shillings, . . . . .	21 2 0	21 2 0
Arundel, .	. . . . .	0 0 0	Fourteen pounds twelve shillings and eightpence, .	14 12 8	14 12 8
Scarborough, .	Thirty pounds six shillings, . . . . .	30 6 0	Nine pounds five shillings and fourpence, . . . . .	9 5 4	9 5 4
			Eighteen pounds four shillings, . . . . .	18 4 0	48 10 0

## IN DUKES COUNTY.

Edgartown, .	Forty-five pounds, . . . . .	£45 0s. 0d.	Thirty-two pounds, . . . . .	£32 0s. 0d.	£77 0s. 0d.
Chatham, .	. . . . .	0 0 0	Fifty-six pounds four shillings, . . . . .	56 4 0	56 4 0
Tisbury, .	. . . . .	0 0 0	Eighteen pounds six shillings, . . . . .	18 6 0	18 6 0

## IN NANTUCKET COUNTY.

Shorborn, .	Sixty-three pounds twelve shillings, . .	£63 12s. 0d.	One hundred four pounds, . . . . .	£104 0s. 0d.	£167 12s. 0d.
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*And be it further enacted by the authority aforesaid,*

[SECT. 2.] That the treasurer do forthwith send out his warrants, directed to the selectmen or assessors of each town or district within this province, requiring them, respectively, to assess the sum hereby sett upon such town and district, in manner following; that is to say, to assess all rateable male polls above the age of sixteen years, at thirty-two pence per poll, and proportionably in assessing the additional sum received out of the treasury for the payment of the representatives (except the governour, lieutenant-governour and their families, the president, fellows and students of Harvard College, settled ministers and grammar-school masters, who are hereby exempted as well from being taxed for their polls, as for their estate being in their own hands and under their actual management and improvement; and other persons (if such there be) who thro' age, infirmity or extream poverty in the judgment of the assessors are not capable of paying towards publick charges, they may except their polls and so much of their estates as in their prudence they shall think fit and judge meet; and the justices in general sessions in the respective countys assembled, in granting a county tax or assessment, are hereby order'd and directed to apportion the same on the several towns in such county in proportion to their province rate, exclusive of what has been paid out of the publick treasury to the representatives of such town for his service; and the assessors of each town in the province are also directed in making any assessment, to govern themselves by the same rule; and all estates, both real and personal, lying within the limits and bounds of such town or district, or next unto the same, not paying elsewhere, in whose hand, tenour, occupation or possession soever the same is or shall be found, and income by trade or faculty which any person or persons (except as before excepted) do or shall exercise in gaining, by money or other estate not particularly otherwise assessed, or commissions of profit in their improvement, according to their understanding and cunning, at one penny on the pound; and to abate or multiply the same, if need be, so as to make up the sum hereby sett and ordered for such town or district to pay; and in making up their assessments to estimate houses and lands at six years' income of the yearly rents whereat the same may be sett or reasonably lett for in the places where they lye: *saving* all contracts between landlord and tenant, and where no such contract is, the landlord to reimburse one-half of the tax set upon such houses and lands; and to estimate Indian, negroe and molatto servants or slaves proportionably as other personal estate, according to their sound judgment and discretion: as also to estimate every ox of four years old and upwards, at forty shillings; every cow at three years old and upwards, at thirty shillings; every horse and mare of three years old and upwards at forty shillings; every swine at one year old and upwards, at eight shillings; every sheep and goat of one year old and upwards, at three shillings; likewise requiring the assessors to make a fair list of the said assessment, setting forth, in distinct columns, against each particular person's name, how much he or she is assessed at for polls, and how much for houses and lands, and how much for personal estate and income by trade or faculty; and the list or lists so perfected and signed by them or the major part of them, to commit to the collectors, constable or constables of such town or district, and to return a certificate of the name or names of such collector, constable or constables, together with the sum total to each of them respectively committed, unto himself, sometime before the twenty-eighth day of October next.

[SECT. 3.] And the treasurer for the time being, upon the receipt of such certificate, is hereby impowered and ordered to issue forth his war-

rant to the collectors, constable or constables of such town or district, requiring him or them, respectively, to collect the whole of each respective sum assessed on each particular person, before the last day of March next; and of the inhabitants of the town of Boston, to collect their proportion sometime in the month of January foregoing; and to pay in their collection, and issue the accompts of the whole, at or before the last day of May next, which will be in the year of our Lord one thousand seven hundred and thirty.

*And be it further enacted by the authority aforesaid,*

[SECT. 4.] That the assessors of each town and district, respectively, in convenient time before their making the assessment, shall give seasonable warning to the inhabitants, in a town meeting, or by posting up notifications in some place or places in such town or district, or otherwise to notify the inhabitants to give or bring in to the said assessors true and perfect lists of their polls and rateable estates; and if any person or persons shall neglect or refuse so to do, or bring in a false list, it shall be lawfull to and for the assessors to assess such person or persons, according to their known ability in such town, in their sound judgment and discretion, their due proportion to this tax, as near as they can, agreeable to the rules herein given, under the penalty of twenty shillings for each person that shall be convicted by legal proof, in the judgment of the assessors, of bringing in a false list: the s<sup>d</sup> fines to be for the use of the poor of such town or district where the delinquent lives, to be levied by warrant from the assessors, directed to the collector or constable, in manner as is directed for gathering town assessments, and to be paid in to the town treasurer or selectmen for the use aforesaid: *saving* to the parties aggrieved at the judgment of the assessors in setting forth such fine, liberty of appeal therefrom to the court of general sessions of the peace within the county, for relief, as in case of being overrated.

[SECT. 5.] And if the party be not convicted of any falseness in the list by him presented, of polls, rateable estate, or income by any trade or faculty which he doth or shall exercise in gaining, by money at interest or otherwise, or other estate not particularly otherwise assessed, such list shall be a rule for such person's proportion to the tax, which the assessors may not exceed.

*And whereas*, oftentimes, sundry persons not belonging to this province, bring in considerable goods and merchandize, and, by reason that the tax or rate of the town where they come to trade or traffick is finished, and delivered to the constables or collectors, and, before the next year's assessment, are gone out of the province, and so pay nothing towards the support of the government, tho' in the time of their residing here they reap considerable gain by trade, and had the protection of this government,—

*Be it therefore enacted by the authority aforesaid,*

[SECT. 6.] That when any such person or persons shall come and reside in any town of this province for the space of twenty days, and bring any merchandize, and trade and deal therewith, the assessors of such towns are hereby impowered to rate and assess all such persons according to their circumstances, pursuant to the rules and directions in this act provided, tho' the former rate may have been finished, and the new one not perfected, as aforesaid; and the constables or collectors are hereby enjoined to levy and collect all such sums committed to them and pay the same into the town treasury. [*Passed September 24; published September 30.*]

# ACTS

PASSED AT THE SESSION BEGUN AND HELD AT BOSTON,  
ON THE NINETEENTH DAY OF NOVEMBER,  
A.D. 1729.

## CHAPTER 5.

AN ACT FOR THE SPEEDY AND EFFECTUAL SECURING AND REPAIR-  
ING THE HARBOUR OF MARBLEHEAD IN THE COUNTY OF ESSEX.

Preamble.

WHEREAS the preservation and securing the harbour of Marblehead in the county of Essex is of great importance, as well to that town as to the trade of this province; and whereas, by the encroachments of the sea, great breaches have happened in the beach on the south-westerly side of the said harbour, and by the continual washing away of great quantit[ie][y]s of said beach, it is now reduced so low that almost every common tide gains a passage over it, insomuch that if the same is not thoroughly secured and well repaired, the harbour of said town is in danger of being destroyed; for remedy whereof,—

*Be it enacted by the Lieutenant-Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

Trustees to be  
chosen for re-  
pairing Marble-  
head harbor.

[SECT. 1.] That the said town of Marblehead, at their next town meeting legally called, shall be, and hereby is empowered to chuse five skilful and able persons as trustees for ordering, directing, securing and repa[i]ring the said harbour, and for the future defending and preserv-  
ing the said beach from the encroachments and washings of the sea, as aforesaid.

And for the effectual enabling them so to do,—

*Be it further enacted by the authority aforesaid,*

Five hundred  
pounds to be  
advanced out  
of the public  
treasury.

[SECT. 2.] That they shall be, and hereby are, empowered to receive the sum of five hundred pounds out of the province treasury; and the treasurer is hereby ordered and directed to pay the same accordingly by warrant from the governour or commander in chief, for the time being, with the advice and consent of the council; which sum hereby made paya-  
ble is to be employed in securing and repairing the said harbour, and for the effectual preservation of the said beach and mending the breaches thereof, as aforesaid, by the said trustees, or the major part of them, in such manner as they shall think most convenient.

Books and  
accounts to be  
kept by the  
trustees.

[SECT. 3.] And that there shall be provided and kept by the said trustees, one or more book or books, in which all moneys received by them by vertue of this act, and all payments and disbursements out of the same, by order or direction of the said trustees, or the major part of them, under their hands in writing, shall from time to time be fairly set down and entered, expressing the time when, and the name of the person or persons from, or to, or by whom the same were so received, paid or disbursed, and for what use or purpose such payment or disbursement was made.

[SECT. 4.] And the said accompts, together with cop[ie][y]s of all contracts made by the said trustees, shall, in due and convenient time after the said work is compleated and finished as aforesaid, be delivered to this court, that it may be seen that the money hereby granted is laid out in the best manner to secure and repair the said harbour of Marblehead, and the other purposes intended by this act; and two-thirds of all which payments and disbursement duly vouched (the whole of said payments and disbursements not exceeding two thousand pounds) to be paid out of the province treasury, upon the passing and adjusting said accompts; the said sum of five hundred pounds in hand paid as aforesaid, to be held, deemed and taken as part and parcel of the said two-thirds.

Two-thirds of the whole charge to be paid by the province, provided.

And whereas some evil-minded persons carry off sand, stones, gravel, sea-weed, rock-weed and sedge brought up by the sea, off and from the said beach, to the damage and weakening thereof,—

*Be it therefore enacted by the authority aforesaid,*

[SECT. 5.] That no person or persons whatever, shall presume to cart or carry from any part of the said beach, any quantity of sand, stones, gravel, sedge, sea- or rock-weed, on penalty of forty shillings for every horse- or cartload, or part of a cartload, to be recovered by the said trustees, or any one of them, or any other person or persons, before any one of his majesty's justices of the peace in the said county, or before any of his majesty's courts of record within the same; the fines to be laid out, the one half in the said repairs, the other to the person or persons that shall inform or sue for the same; and the offender or offenders shall be convicted in the same manner and according to the rule and way prescribed in and by an act made in the twelfth year of his late majesty King George, chap. [XV.] [15<sup>th</sup>], entitled "An Act in addition to and for rendering more effectual an act made in the tenth year of the reign of King William the Third, entitled 'An Act for preventing of trespasses.'"

Trespassers on the beach to be prosecuted.

1727, chap. 8.

*And be it further enacted by the authority aforesaid,*

[SECT. 6.] That from and after the laying out and expending the said sum to and for the uses, intents and purposes as aforesaid, the said town of Marblehead, at the proper cost[s] and charges of the said town, shall forever secure, support and keep in good repair the said harbour of Marblehead, and the beach on the south-westerly side thereof, according to the true purpose, intent and meaning of this act. [Passed December 9; published December 26.]

Town of Marblehead to keep the harbor in repair at their own charge.

## CHAPTER 6.

AN ACT IN ADDITION TO AN ACT ENTITLED "AN ACT TO EXEMPT PERSONS COMMONLY CALLED ANABAPTISTS AND THOSE CALLED QUAKERS, WITHIN THIS PROVINCE, FROM BEING TAXED FOR AND TOWARDS THE SUPPORT OF MINISTERS."

WHEREAS in the act made and passed in the first and second year of his present majesty's reign, entitled "An Act to exempt persons commonly called Anabaptists and those called Quakers, within this province, from being taxed for and towards the support of ministers," the polls only of the aforesaid Anabaptists and Quakers are exempted from charge in the support of the ministers of the churches by law established in this province; and inasmuch as their estates are not exempted in like manner,—

Preamble.  
1728-29, chap. 4.

*Be it therefore enacted by the Lieutenant-Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

Estates of Quakers and Anabaptists to be exempted from paying to the ministry.

[SECT. 1.] That from and after the publication of this act, the proper estates, real and personal, of the aforementioned Anabaptists and Quakers, being in their own hands and under their actual management and improvement, shall be exempted in the same manner and under the same conditions and limitations that their polls are or were in and by the said act of the first and second year of his present majesty's reign.

*And be it further enacted,*

Others to be assessed to the ministerial tax.

[SECT. 2.] That the assessors in each town or precinct respectively be, and hereby are, enabled and empowered to assess and levy in proportion to the province tax the whole ministerial rate, as by contract, or by order of the court of general sessions of the peace in the respective count[ie][y]s according to law, on the persons and estates of all others living and lying within such town or precinct, not express'd by name in the list to be taken, as in the act afore referred to is directed.

*Provided,*

Proviso.

[SECT. 3.] Nothing in this act shall be construed to free any person from paying their proportion of any ministerial charge, or charge towards any meeting-house for the publick worship of God where the rate or assessment has been already made and delivered to the officer for collecting it.

Limitation.

[SECT. 4.] This act to continue and be in force from the publication of it, until the end of the session of this court in May, one thousand seven hundred and thirty-three, and no longer. [*Passed December 20; published December 24.*]

## CHAPTER 7.

AN ACT FOR REGULATING THE FERR[IE][Y]S BETWEEN THE COUNT[IE][Y]S OF BARNSTABLE AND DUKES COUNTY.

Preamble.

WHEREAS there have been several controvers[ie][y]s and differences betwixt the count[ie][y]s of Barnstable and Dukes County, with regard to the regulating and licencing the ferry between the said count[ie][y]s, and the persons keeping the same; for prevention whereof for the future,—

*Be it enacted by the Lieutenant-Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

Justices of Barnstable County to grant licence for the ferry on their side.

[SECT. 1.] That the justices of the court of general sessions of the peace within the county of Barnstable be, and hereby are, impowered to grant the licence for keeping the ferry on the side belonging to Barnstable County, to such person or persons dwelling within the said county, as they shall judge meet for that service, and necessary for the greater conveniency of passengers; they observing such orders and directions as are appointed in the act entituled "An Act for regulating of ferr[ie][y]s," made and passed in the sixth year of the reign of King William and Queen Mary.

1694-95, chap. 16.

*And be it further enacted by the authority aforesaid,*

Justices of Dukes County to do the same on their side.

[SECT. 2.] That the justices of the court of general sessions of the peace for Dukes County be, and hereby are, also impowered to grant licence for keeping the ferry on that side belonging to Dukes County, to such suitable person or persons dwelling within the said county, as the said court shall judge necessary for the accommodation of passen-



gers; the said ferrymen to be also under the regulations and orders as are mention[ed] in the aforesaid act.

*And be it further enacted by the authority aforesaid,*

[SECT. 3.] That if any person or persons shall from henceforth presume to transport any passenger[s], horse, cattle or goods over the said ferry, demanding pay for the same, having no right or authority so to do from the court of general sessions of the peace, in the respective count[ie][y]s to which they belong, nor leave from the person or persons authorized as aforesaid to keep the said ferry, he or they shall for every such offence, forfeit and pay the sum of forty shillings; the one half to his majesty, for and towards the support of this government, the other half to him or them that shall inform and sue for the same, before one of his majest[ie][y]'s justices of the peace within the count[ie][y]s respectively, where the offence shall be committed, and be further liable to pay such damage as may or shall accrue to the person or persons assigned or authorized to keep the said ferry.

Persons ferry-  
ing without  
license liable to  
prosecution.

*Provided,*

[SECT. 4.] That this act be and continue in force from the publication thereof, until the end of the session of this court in May, one thousand seven hundred and thirty-one, and no longer. [*Passed December 16; published December 24.*]

Limitation.

NOTES.—“The governor having held several sessions at Salem without any success he adjourned the court, to meet the 21st (20th) of August at Cambridge. This widened the breach, and the house grew warmer in their votes and messages, and complained that they were to be compelled to measures against their judgment, by being harrassed and drove from one part of the province to another.”—*Hutchinson's Hist. Mass. Bay, vol. 2, p. 364.*

There were four sessions of the General Court this year; but no acts were passed at the first and second sessions.

All the foregoing acts, except chapters 3 and 4, were printed with the sessions acts; and the engrossments of all are preserved.

These acts were submitted to Mr. Fane June 10, 1731, and he reported, October 26, 1731, that he had no objection to them in point of law.

(a.) “Sept. 24. 1729. In the House of Represent<sup>ts</sup> ORDERED that the Treasurer be & hereby is impowered & directed to issue forth & emit the sum of Twenty Thousand Pounds in Bills of Credit on this Province for the necessary Support & Defence of this Governm<sup>t</sup> & the Protection & Preservation of the Inhabitants thereof; The said Twenty Thousand Pounds being already in his Hands & received for Taxes, Impost &c, To be issued & disposed of by Warrant under the Hand of the Lieuten<sup>t</sup> Governor & Commander in Chief for the Time being with the Advice & Consent of the Council; Nineteen Thousand five Hundred Pounds Part thereof shall be applied for the Uses, Intents & Purposes in this Order hereafter expressed; viz, For the Payment of all Grants, Premiums & Stipends established by Law, for the defraying & paying the Charges of Castle William & the other Forts & Garrisons, Transports, Muster Rolls of Soldiers & Sailors, Allowances &c., and all other Accounts of Charges allowed & pass'd on for Payment by this Court; And that the Sum of Five Hundred Pounds being the Residue & remaining Part of the said Twenty Thousand Pounds shall be allow'd for y<sup>e</sup> Payment of Expresses dispatched in the Service of this Governm<sup>t</sup> in the Recess of this Court together with all other necessary & unforeseen Charges that demand prompt Payment, which shall arise in the Recess of the Court as aforesaid; *Provided always* that the several Draughts made upon the Treasurer as aforesaid express & declare out of which of the two several Sums aforementioned the Money is to be paid: And the s<sup>d</sup> Bills shall pass out of the Treasury at the Value therein express'd equivalent to Money & shall be so taken & accepted in all publick Payments. And the Duties of Impost & Excise together with all other Incomes shall be a Fund & Security for the Payment & Drawing the said Bills into the Treasury again so far as the same will reach; And

It is further ORDERED that there be & hereby is granted unto His most Excellent Majesty for the Ends & Uses aforesaid & for no other Ends & Uses whatsoever a Tax of Twenty Thousand Pounds to be levied upon Polls & Estates both real & personal within this Province according to such Rules & in such Proportion upon the several Towns & Districts within the same as shall be agreed on & ordered by the Great & General Court or Assembly of this Province at their Session in May, One Thousand seven Hundred & forty & paid into the Treasury on or before the last Day of December next next\* after.

In Council; Read & Concur'd;—

Consented to,

W<sup>m</sup> DUMMER.”

—*Council Records, vol. XIV., p. 350.*

• *Sic.*



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ACTS,  
PASSED 1730.

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# ACTS

PASSED AT THE SESSION BEGUN AND HELD AT CAMBRIDGE,\* ON THE NINTH DAY OF SEPTEMBER, A.D. 1730, AND HELD, BY ADJOURNMENT, AT ROXBURY AND BOSTON.

## CHAPTER 1.

AN ACT DIRECTING HOW RATES [AND] [OR] TAXES TO BE GRANTED BY THE GENERAL ASSEMBLY, AS ALSO COUNTY, TOWN AND PRECINCT RATES, SHALL BE ASSESSED AND COLLECTED.

FORASMUCH as, for the support of the government of this his majesty's province, and for the safety and defence thereof, and defraying the contingent charges arising within the same, it is necessary *[that]* a suitable supply of money should be from time to time granted by the great and general court or assembly of the said province; to the intent, therefore, that there may be due provision made and established for assessing all such sum and sums of money as shall hereafter be granted by the general court, to be levied upon polls or estates within the province, or upon both polls and estates, for the support of the government thereof, or any other public use or uses whereto the general assembly shall think fit to apply such grant or grants; as also that there may be like due provision to enforce the collecting and paying into the treasury such sum and sums of money, so to be granted as aforesaid, according to the true intent of the act or acts for granting the same,—

*Be it enacted by His Excellency the Governor, Council and Representatives in General Court assembled, and by the authority of the same,*

[SECT. 1.] That in the month of March annually, at the same time when the town officers are chosen by the respective towns within this province, according to the direction of an act entitled "An Act for regulating of townships, choice of town officers, and setting forth their power," there may be elected and chosen by the freeholders and other inhabitants of every town duly qualified to vote in town affairs, then present, or the major part of them, three, five, seven or nine meet persons, to be assessors of all such rates and taxes as the great and general court or assembly shall by any act or acts, to be by the same duly made and passed, order and appoint such town to pay towards the public charges of the province, within the space of one year from the choice of such assessors; every of which so chosen shall, within the space of seven days next after, be sworn before a justice of the peace, or town clerk in any town where no justice of the peace dwells (who are hereby respectively empowered thereto), in manner following; that is to say,—

You, A. B., being chosen an assessor of such rates or taxes as the great and general court or assembly of this province have or shall order and appoint the town of C. to pay into the treasury of the province during the space of one year next ensuing, do swear that in assessing or apportioning such rates or taxes you will proceed equally and indifferently, according to your best skill and judgment and the rules to be prescribed in the act or acts for granting the same. So help you God.

Preamble.  
1720-21, chap.  
15.  
1722-23, chap.  
4.

Assessors to be  
annually chosen  
in the month of  
March.  
1692-3, chap. 25.

To be sworn.

Form of assessor's oath.

\* Because of the small-pox in Boston: see NOTES, *post*.



Penalty on assessors chosen, that shall refuse.

[SECT. 2.] And the town clerk, or two of the selectmen, of every town, shall forthwith make and give out unto the constable or constables of the same, a list of the names of those that shall be chosen assessors at any town meeting as aforesaid; which constable or constables shall thereupon summon each of the said assessors to appear at a certain time and place within the space of seven days from the time of their election, before a justice of the peace, if any dwell in such town, or otherwise before the town clerk thereof, to take the oath abovementioned; and if any such assessor shall neglect to appear accordingly, or, appearing, shall refuse to take the said oath, he shall forfeit and pay to the use of the poor of such town, the sum of forty shillings; and if in Boston, five pounds; to be recovered in manner and form as is by law provided for recovering of fines and forfeitures, for the use of the poor.

A new choice to be made.

[SECT. 3.] And the selectmen of every such town where any one or more of the assessors so chosen shall refuse as aforesaid, shall forthwith, after notice thereof, summon a meeting of the freeholders and inhabitants of such town, to choose one or more assessor or assessors in the room or rooms of such so refusing; which freeholders and inhabitants duly qualified to vote, being so assembled, shall accordingly choose so many assessors as shall be wanting to compleat the number, which the town at [the time of] their first choice voted and agreed should be elected for the same: *provided, nevertheless*, that it shall be in the power of the court of general sessions of the peace, upon reasonable excuse made unto them by any assessor or assessors chosen for any town or towns in the county for which such court is holden and kept, that shall refuse to accept as aforesaid, to abate and remit unto such assessor or assessors (if they see cause) the forfeiture or penalty aforesaid.

Court of general sessions of the peace empowered to abate or remit the penalty.

*And be it further enacted by the authority aforesaid,*

Selectmen or trustees of towns to be assessors, in case.

[SECT. 4.] That if any town shall not choose assessors as aforesaid, or if so many of them, so chosen as aforesaid, shall refuse to accept [as] [or] that there shall not be such a number of them as any town shall agree to be the assessors thereof, then, and in either of the said cases, the selectmen of such town shall be, and are hereby, declared and appointed the assessors of the same; and every of them shall take the oath before recited, in manner as aforesaid; and each assessor attending that service shall be allowed and paid, out of the town treasury, four shillings *per diem* for each whole day he is necessarily employed thereabout.

Assessor's allowance.

*And be it further enacted by the authority aforesaid,*

Penalty on towns that shall neglect to choose selectmen or assessors.

[SECT. 5.] That if at any time there shall be a default or neglect in any town or precinct, to make choice of selectmen or assessors, the said default or neglect being certified and made appear unto the court of general sessions of the peace within the same county, such town or precinct shall forfeit and pay the sum of twenty pounds, for and towards the support of the government of this province; and in such case, as also where neither the selectmen nor assessors chosen by any town shall accept thereof, the justices of the court of general sessions of the peace in the same county shall, and are hereby empowered to, nominate and appoint three or more sufficient freeholders within such county, to be assessors of the public rates or taxes in any such town as aforesaid; which assessors, so to be appointed by the said court, shall take the oath before recited, and shall then assess the estate and persons of such town or precinct, of which they shall be appointed assessors, their due proportion to any public tax, according to the rules set down in the act for raising of the same, together with the aforesaid forfeiture of twenty pounds, where the town makes default, and such additional sum as shall answer their own reasonable charges for time and expence

Court of general sessions of the peace to appoint assessors, in case.

in the said service, not exceeding five shillings a man *per diem*; and, having assessed the same, shall transmit a certificate thereof to the treasurer, with the names of the constables or collectors to whom they shall commit the same to be collected; and such assessors shall be paid their charges as aboves[ai]d (the same being adjusted and certified by two or more justices of the court by whom they were appointed assessors, under their hands) out of the public treasury, by warrant from the governor, with the advice and consent of the council.

Allowance to such to be paid out of the public treasury.

*And be it further enacted by the authority aforesaid,*

[SECT. 6.] That all assessors afores[ai]d, shall duly attend and observe all such warrants as, during the time of their office, they shall receive from the treasurer and receiver-general of this province, pursuant to an act or acts, to be made and passed by the great and general court or assembly of the same, for the assessing and apportioning any province rate or tax upon the inhabitants or estate within the town whereof they are assessors, on pain that the assessors of any town or precinct, failing of their duty by such warrant of the treasurer[s] of them required, shall forfeit and pay the full sum and sums in such warrant mentioned, to be by them assessed upon the inhabitants or estate of the town or precinct whereof they are assessors, if the s[ai]d sum and sums be therein made certain; which shall be levied by distress and sale of the estates, real or personal, of such defective assessors, by warrant from the treasurer, directed to the sheriff of the county or his undersheriff or deputy, in which such town or precinct l[i][y]es; and the treasurer is hereby authorized and required in such cases, *ex officio*, to issue out his warrant, requiring the sheriff or deputy to levy the said sum and sums accordingly, and for want of estate to take the bod[ie][y]s of such defective assessors, and to imprison them until they pay the same; which warrant the sheriff, his undersheriff or deputy are hereby empowered and required to execute accordingly; and the court of general sessions of the peace in each respective county wherein such defective assessors dwell, be, and hereby are, directed and empowered forthwith to appoint other meet persons to be assessors of such rate or tax, according to the directions contained in the treasurer's warrant issued unto the former assessors; and the assessors which shall then be so appointed, shall take the oath and be lyable to the same duty and penalties as the former assessors.

Penalty on assessors that shall neglect their duty.

General sessions of the peace to appoint other meet persons in the room of defective assessors.

*And be it further enacted by the authority afores[ai]d,*

[SECT. 7.] That if any person or persons shall at any time be aggrieved at the sum or sums to be set and apportion[e]d upon him or them by the assessors of any town, or district, or precinct, and shall demonstrate that he or they are rated more than his or their proportion with others, according to the rule given to the said assessors to the sum set upon such town, district or precinct, by any act or acts of the general assembly, the s[ai]d assessors shall ease him or them so aggrieved; and if they shall refuse so to do, such person or persons aggrieved, complaining unto the next general sessions of the peace within that county, and making it appear that he or they are assessed more than his or their proportion as afores[ai]d, shall be heard and relieved by the justices in the said sessions, and shall be reimbursed, out of the town or parish treasury, so much as the s[ai]d justices or assessors, respectively, shall see cause to abate him or them, with the charges. And the court of general sessions of the peace are empowered, upon the complaint of any party grieved, to require the assessors to produce the lists of their assessment.

Persons over-rated to be eased.

*And be it further enacted by the authority aforesaid,*

[SECT. 8.] That all county, town, precinct, district and parish rates and assessments shall be apportioned by the selectmen or assessors of

Town and county rates to

be apportioned by the same rule as public taxes granted the same year.

the several towns, precincts, districts or parishes within this province upon the inhabitants and estates within the same, according to the rule that shall, from time to time, be prescribed and set in and by the then last act, of the general assembly, which shall have been made and passed for the apportioning and assessing of the public taxes granted unto his majesty, when such county, town, precinct, district or parish rate or assessment shall be made or apportioned; and such selectmen or assessors shall be under the like obligations of the oath administred to the selectmen or assessors, who apportioned the s[ai]d public tax, to proportion such county, town, precinct, district and parish assessments by the same rules.

*And be it further enacted by the authority aforesaid,*

Collectors of public taxes may be chosen at the same time with the assessors.

[SECT. 9.] That the freeholders and inhabitants of any town, precinct, district or parish, duly qualified to vote in town affairs, may, if they see cause, at the time they chuse assessors, likewise elect and chuse a meet person or persons to be collector or collectors of the public rates or taxes that shall be assessed upon such town, precinct, district or parish, and agree upon what sum shall be allowed and paid out of the respective treasur[ie][y]s unto such collector or collectors for his or their service therein; but if such collector or collectors so to be chosen shall refuse to accept that service, or that none such be chosen, then the constable or constables of such town or parish shall collect and gather such public rates and taxes. And every collector or constable shall have a warrant from the treasurer and receiver-general, or selectmen or assessors, empowering him to collect such rates or taxes as shall be committed to him to collect, and shall pay in the same according to the directions in such warrant.

Provision in case of constable's or collector's decease.

[SECT. 10.] And in case of any constable or collector's decease before his perfecting the collection of any public assessment committed to him, the assessors of such town, precinct, district or parish shall empower and appoint at their public charge, some other fit person or persons to perfect the same collection, and present his or their names unto the treasurer, selectmen or assessors, who are hereby authorized and required to enable and empower such person or persons to collect the same by granting a warrant to him or them.

*And be it further enacted by the authority aforesaid,*

Sheriff to disperse the treasurer's warrants.

[SECT. 11.] That the treasurer and receiver-general shall send such warrants as he shall be from time to time ordered to issue for the assessing or collecting any public rate or tax, inclosed to the sheriff of each respective county, who is required immediately to disperse and transmit the same unto the assessors, constables or collectors of the several towns, precincts, districts or parishes within such county, according to the directions thereof; and for his service, charge and expence shall have a reasonable allowance ordered him by the justices in the court of general sessions of the peace in the same county, to be paid out of the county treasury, upon his laying the accompt thereof before them.

To be paid out of the county treasury.

*And be it further enacted by the authority aforesaid,*

Constable or collector empowered to distress, in case, &c.

[SECT. 12.] That if any person or persons shall refuse to pay the sum or sums whereat they shall be assessed as their proportion to any public rate or tax in the list committed to any constable or collector, under the hands of the assessors of such town, precinct, district or parish, or [of] the major part of them, upon demand thereof made by such constable or collector, by v[i][c]rtue of the warrant to him given, it shall and may be lawful to and for such constable or collector, and he is hereby authorized and required, in such case, to distress the person or persons so refusing, by his or their goods or chatt[el][le]s; and the dis-

trese or distresses so taken to keep by the space of four days, at the cost and charges of the owner thereof.

[SECT. 13.] And if the owner do not pay the sum and sums of money so assessed on him within the space of four days, then the said distress or distresses to be forthwith openly sold at an outcry by the s[ai]d officer, for the paym[en]t of the s[ai]d money (notice of such sale being posted up in some public place in the same town, twenty-four hours beforehand); and the overplus coming by s[ai]d sale (if any be) over and above the charges of taking and keeping the said distress or distresses, to be immediately restored to the owner; and if any person or persons assessed as afores[ai]d, shall refuse or neglect to pay the sum or sums so assessed, by the space of twelve days after demand thereof, where no sufficient distress can or may be found whereby the same may be levied, in every such case two or more of the assessors in such town, precinct, district or parish are hereby authorized by warrant under their hands and seals, to commit such person or persons to the common goal, there to be kept without bail or mainprize until payment shall be made.

Distress to be sold by outcry.

Persons to be committed not having whereof to distrain.

*And be it further enacted by the authority aforesaid,*

[SECT. 14.] That when any person or persons shall remove from any town or place where he or they lived or had his or their residence at the time of making the lists of any public tax or assessment, not having before paid the respective sum or sums set upon him or them by such lists, it shall and may be lawful to and for the constable or collector to whom any such tax or assessment shall be committed with warrant to collect, and he is hereby authorized and empowered to demand the sum or sums assessed upon such person or persons, in what town or place soever he or they may be found, and upon refusal or neglect to pay the same, to distrein the said person or persons, by his or their goods or chattels as afores[ai]d; and for want of such distress to commit the party to the common goal, there to remain until payment be made.

Persons removing from the place where they were assessed, may be taken in any other.

*And be it further enacted by the authority aforesaid,*

[SECT. 15.] That when at any time the general assembly shall order any public rate or tax by them granted, to be paid into the treasury at two or more several times or days of payment, and any person or persons, being inhabitants or dwellers in any town, or precinct, or parish, within this province, at the time of making such rate or tax, and being assessed thereunto, shall be about to remove him or themselves from thence before the time that shall be prefixed for paym[en]t of the same, it shall and may be lawful in such case to and for the constable or collector of the same town, precinct, district or parish to demand and levy the whole sum and sums which such person or persons shall be assessed at in his list or lists to such constable or collector committed, notwithstanding the time for collecting the second part of such rate or tax may not then be come; and in default of payment to distrein for the same, or to take any other way or course for the obtaining thereof, according to the rules and directions herein before provided.

Provision in case of persons being about to remove before the time for payment of the second part of any tax.

[SECT. 16.] And when and so often as it happens that the constables or collectors be anew chosen and sworn for any town, precinct, district or parish, before the former constables or collectors have perfected their collection of any tax or assessment to them committed to gather, such former constables and collectors are, notwithstanding, hereby fully empowered and required to perfect all such collections, and may exercise the same powers and authorit[ie]s for the gathering and enforcing the paym[en]t thereof, as by this act they might have done before other constables or collectors were chosen and sworn: and in making any of the distresses afores[ai]d, or committing any person or persons to goal

Constables to whom any tax shall be committed, to perfect their collection although other constables be chosen.

Constable through whom assessed in his



office may demand assistance of the constables for the time being in making distress, &c.

Provision in case of lands being rated in any town in which the owner or tenant thereof does not dwell.

Penalty on defective constables or collectors.

The town or precinct in which any defective constable or collector lives, to be answerable for his payment into the treasury, the sums committed to him to collect.

as aforesaid, in case the same should be made after such constable or collector shall be succeeded in his office, it shall be lawful for such constable or collector to demand the aid and assistance of any of the constables of the town for the time being, where the delinquent person or persons live; and such constable is hereby enjoined and required to be aiding and assisting accordingly.

*And be it further enacted by the authority aforesaid,*

[SECT. 17.] That where the owner or tenant of any lands lyable to public taxes, shall not reside or be an inhabitant of the town, precinct, district or parish in which such lands lye, and no stock, corn[u] or hay can be found upon the said lands, whereof the constable or collector may make distress to satisfy such sum or sums as from time to time such lands shall be assessed at, either to the province, county, town, parish or ministerial charges, in such case any justice of the peace in the county where the occupant of any such lands dwells or resides, upon application to him made by the constable or collector to whom the list wherein such lands shall be assessed shall be committed, and upon sight of the same, or authentic copy thereof, may and hereby is impowered and required to grant a warrant unto the constable of the town or place where such occupant dwells or resides, to distrein such occupant by his goods or chatt[el][le]s, the full sum at which the s[ai]d lands are set in such list or assessment, with the charges occasioned for making such distress, and to satisfy the same by sale thereof, returning the overplus, if any be, to the owner; and in case no goods or chatt[el][le]s can be found whereon to distrein, to commit the party to the common goal of the county, there to remain without bail or mainprize, until he pay and satisfy the sum [or] [and] sums so assessed with the charges.

*And be it further enacted by the authority aforesaid,*

[SECT. 18.] That if any constable or collector, to whom any public tax or assessment shall be committed to collect, shall be remiss and negligent of his duty, in not levying and paying unto the treasurer or his deputy such sum and sums of money as he shall from time to time have received, and as ought by him to have been paid within the respective times set and limited by the treasurer's warrant, according to the directions therein, pursuant to law, the treasurer is hereby impowered, after the expiration of the time so set, by warrant under his hand and seal, directed to the sheriff or his deputy, to cause such sum and sums of money to be lev[i]e[d] by distress and sale of such defective constable[s'] or collectors' estate, real or personal, returning the overplus (if any be) and for want of such estate to take the bod[i]e[s] of such constables or collectors, and to imprison them until they pay the same; which warrant the sheriff or his deputy is hereby impowered and required to execute accordingly.

*And be it enacted,*

[SECT. 19.] That if any constable or collector, so failing as aforesaid, have no estate to be found whereon to make distress, and his person cannot be taken within the space of two months from the time which was set for his paying the same into the treasury, in such case, the town or precinct whereof the constable or collector so fails of his duty, shall, within three months from the expiration of the said two months, make good to the treasury the sum or sums due and owing to the same from such defective constable or collector, which the assessors of such town, having notice from the treasurer of the failure of any constable or collector as aforesaid, shall forthwith thereupon, without any other or further warrant, assess upon the inhabitants and estates of such town in manner as the sum so committed to such defective constable or collector was assessed, and commit the same to some other



constable or collector to collect, who is to be impowered thereunto by warrant from the treasurer: *provided, always*, that such constable or collector, failing of his duty as afores[ai]d, for whose default the town is answerable as before expressed, shall at all times afterwards be l[e]g[y]able to the action or suit of the treasurer of such town for all such sum and sums as were assessed upon the same thro' his default, and for other damages accruing unto the said town thereby.

[SECT. 20.] And in case of the decease of any constable or collector, in any town, precinct, district or parish, before his having adjusted the accompts of his assessment to him committed, the executors or administrators of such constable or collector shall within two months after his decease, settle and make up accompts with the assessors of the said town, precinct, district or parish, of such part of the assessment as was received and collected by the deceased constable or collector in his lifetime, with which such executors or administrators shall be chargeable, in like manner as the deceased constable or collector should be, if living; and such assessors shall thereupon procure and appoint some suitable person or persons a collector or collectors to perfect such collection; and they are accordingly hereby impowered and required to perform and execute all such powers as were granted to the deceased constables or collectors therein; and if the executors or administrators of any constable or collector so deceasing, not having fully collected the assessment committed, shall fail of making up and settling the accompt of what was received by the deceased as afores[ai]d, before the expiration of the time afores[ai]d, such executors or administrators shall be charg[e]able with the whole sum committed to be collected by the constable or collector unto whom they are executors or administrators, as the deceased constable or collector should be, if living, in case there be sufficient assets.

*And be it further enacted by the authority afores[ai]d,*

[SECT. 21.] That where any sheriff or his deputy shall make default in accounting for or returning into the treasury the sum and sums mentioned in any warrant or warrants of distress, by him to be received from the treasurer, the treasurer in such case is hereby authorized and impowered to make out his warrant, directed unto the coroner or coroners of such county where any sheriff or undersheriff is defective, requiring them respectively to distrein the same upon the estate, real or personal, of such defective sheriff or his deputy, as is before directed herein, referring to the sheriff or undersheriff making distress upon the estate of defective constables or collectors; which warrant the coroner or coroners of any county shall be directed, and are hereby impowered and required to execute accordingly.

*And be it further enacted by the authority afores[ai]d,*

[SECT. 22.] That where any sheriff or his deputy shall, by warrant from the treasurer pursuant to this act, distrein and levy the lands or tenements of any constable or collector, or where any coroner shall by warrant as afores[ai]d distrein and levy the lands or tenements of any sheriff or undersheriff for their or any of their defaults in not collecting or not paying into the treasury any sum or sums of money, which ought to be by them collected, lev[i]g[y]d and paid in as afores[ai]d, in every such case the sheriff, or either of his deput[ie]s, or the coroner executing such warrant or warrants of distress, shall cause due apprizement to be made of any houses or lands so levied, by the oaths of two or three sufficient freeholders in the same county (which oath any justice of the peace is hereby impowered to administer), and after apprizem[en]t thereof so made, is hereby fully authorized and impowered to make sale of such houses or lands, and to make, seal, acknowledge and execute good and sufficient deeds and conveyances for the same,

Executors or administrators of constables deceased, to make up their accounts, &c.

Penalty on defective sheriffs or marshals.

How real estates levied by the treasurer's warrant shall be disposed of.

and out of the produce thereof to pay and satisfy the sum and sums for which such estate shall be levied, with all charges arising thereon; and to return the overplus upon such sale (if any be) unto the owner; and all deeds and conveyances of any such estate in houses or lands, duly executed as aforesaid, shall be good and effectual in the law, unto the purchaser, his heirs and assigns forever, to all intents and purposes.

*Provided, always,—*

*And be it further enacted by the authority aforesaid,*

Things exempted from distress.

[SECT. 23.] That in no case whatsoever any distress shall be made or taken from any person or persons of his or their beasts belonging to the plow, nor of tools or implements necessary for his or their trade and occupation, nor of his or their arms or utensils of household, necessary for upholding of life, nor of bedding or apparel necessary for him or themselves or family; any law, usage or custom to the contrary notwithstanding.

*Provided, also,—*

*And it is hereby ordained and declared by the authority aforesaid,*

Town of Provincetown to choose in January annually.

[SECT. 24.] That it shall be in the power of and lawful for the town of Provincetown annually to elect and chuse, in the month of January, at a meeting regularly called for that purpose, all town officers, as the other towns in this province are impowered to do at their anniversary meeting in March; anything before contained herein, or any other law, usage or custom to the contrary notwithstanding. [Passed October 3; published October 7.]

CHAPTER 2.

AN ACT FOR ERECTING THE NORTH-EASTERLY PART OF WOBURN AND WESTERLY PART OF READING INTO A TOWNSHIP BY THE NAME OF WILMINGTON.

Preamble.

WHEREAS the inhabitants of the north-easterly part of the town of Woburn, and the westerly part of the town of Reading, in the county of Middlesex, are so situated as to be very remote from the place of the publick worship of God, in either of the said towns, many of them living near seven miles' distance therefrom, who also labour under other great difficulties and inconvenienc[ie][y]s on several accounts, and have thereupon addressed this court that they may be set[t] off and erected into a separate and distinct township,—

*Be it therefore enacted by His Excellency the Governour, Council and Represent[ati]ves, in General Court assembled, and by the authority of the same,*

A new town called Wilmington.

[SECT. 1.] That all the lands lying and being within the north-easterly part of Woburn and westerly part of Reading aforesaid, be, and hereby are, set off and constituted a separate and distinct township, by the name of Wilmington, according to the metes and bounds following; viz., beginning at the south-easterly part of the Land of Nod, so called, so to extend to Andover line; thence to Billerica line, and so upon said line, including Abraham Jaques his farm, and so to run from thence on Billerica line one hundred rods further; and from thence to extend to the stone bridge, called the Cold Spring Bridge, near the tree called the Figure-of-Four Tree; thence on a line to the south-easterly corner of John Townsend's land, lately and now in the possession of Timothy Townsend, about sixty-four rods easterly from Woburn line, including said Townsend's land; thence on a streight line to the south-east part

Bounds of it.

of the land of Joel Jenkins; and from thence to extend to the first-mentioned bounds.

*And be it further enacted,*

[SECT. 2.] That the inhabitants of the said town of Wilmington shall be liable, nevertheless, and subject to pay their just proportion of their past dues to all province, county and town rates for this present year, in the towns to which they respectively belonged, and shall be accordingly assessed in such town[s] in the same manner as they would have been if this act had not been made.

[SECT. 3.] And the inhabitants of the said town of Wilmington are hereby required, within the space of three years from the publication of this act, to procure and settle a learned orthodox minister of good conversation, and make provision for his comfortable and honourable support; and also with all convenient speed erect and finish a suitable and convenient house for the publick worship of God in said town.

[SECT. 4.] And the said town of Wilmington is hereby accordingly endowed and vested with all powers, privileges, immunities and advantages which other towns in this province by law have and enjoy.  
[*Passed and published (at Cambridge) Sept. 25.*]

## CHAPTER 3.

### AN ACT FOR SUPPLYING THE TREASURY WITH THE SUM OF THIRTEEN THOUSAND POUNDS IN BILLS OF CREDIT ON THIS PROVINCE.

*Be it enacted by His Excellency the Governour, Council and Representatives convened in General Court, and by the authority of the same,*

[SECT. 1.] That the treasurer be, and hereby is, impowred and directed to issue forth and emit the sum of thirteen thousand pounds in bills of credit on this province, being already in his hands, and received for taxes, impost, excise or otherwise; all which sum of thirteen thousand pounds is to be employed for the necessary defence and support of this government, and protection and preservation of the inhabitants thereof; that the sum of twelve thousand pounds, part thereof, shall be issued out and disposed of by warrant, under the hand of his excellency the governour, with the advice and consent of the council, according to such orders and laws as are in force, and to discharge the several grants of money made or to be made by the court in this session, and for no other use, intent or purpose whatever; and the remaining one thousand pounds shall be applied for the payment of expresses, and all other necessary and unforeseen charges.

Thirteen thousand pounds in bills of credit to be emitted.

How to be disposed of.

[SECT. 2.] And the said bills shall pass out of the treasury at the value therein expressed, equivalent to money, and shall be so taken and accepted in all publick payments; and the duties of impost and excise, together with all other incomes shall be a fund and security for the payment and drawing in the said bills into the treasury again, so far as the same will answer.

*And be it further enacted,*

[SECT. 3.] That there be, and hereby is, granted unto his most excellent majesty for the ends and uses aforesaid, and no other, a tax of thirteen thousand pounds, to be levied upon polls, and estates both real and personal, within this province, according to such rules and in such proportion upon the several towns and districts within the same, as shall be agreed on and ordered by this court at their session in May, one thousand seven hundred and forty-one, and paid into the publick treasury on or before the last day of December, then next after.  
[*Passed October 1.*]

Fund for drawing in said bills by the last of December, 1741.

## CHAPTER 4.

## AN ACT FOR THE EASE OF PRISONERS FOR DEBT.

## Preamble.

1718-19, chap. 15.  
1722-23, chap. 4.

FORASMUCH as in divers count[ie][y]s within this province, the prisons are so small that when there are any number of prisoners, there are not rooms or apartments sufficient for the receiving and securing of them, without lodging felons and other criminals and prisoners for debt together in one and the same room, which ought not to be,—

*Be it therefore declared and enacted by His Excellency the Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

Prisons to have  
apartments for  
prisoners for  
debt.

3 Mass., 103.

[SECT. 1.] That in the several count[ie][y]s within this province, the prisons that are or shall be erected within the said count[ie][y]s, shall be made so large as that there may and shall be sufficient and convenient apartments for the receiving and lodging of prisoners for debt, separate and distinct from felons and other criminals.

*And be it further enacted by the authority aforesaid,*

Prisoners for  
debt allowed to  
lodge in the  
prison-keeper's  
house, &c.

[SECT. 2.] That any person imprisoned for debt, either upon mean process or execution, shall be permitted and allowed to have a chamber and lodgings in any of the houses or apartments belonging to such prisons, and liberty of the yard within the same in the daytime (but not to pass without the limits of the prison), upon reasonable payment to be made for chamber room, not exceeding one shilling and sixpence per week, such prisoner giving bond to the sheriff, with two sufficient suret[ie][y]s, being freeholders, bound jointly and severally in double the sum for which he is imprisoned, with condition underwritten, in form following; viz.,—

## Recognizance.

That if the abovebounden A. B., now prisoner in his majesty's prison in B., within the county of S., at the suit of C. D., do and shall from henceforth continue and be a true prisoner in the custody, guard and safe keeping of J. S., keeper of the same prison, and in the custody, guard and safe keeping of his deputy, officers and servants, or some or one of them, within the limits of the said prison, until he shall be lawfully discharged without committing any manner of escape or escapes during the time of his restraint, then this present obligation to be void, or else to abide in full force and vertue.

Upon prisoner's  
escape, bond to  
be assigned to  
the creditor.

[SECT. 3.] And in case of an escape the said bond shall be to and for the use of the creditor, and shall be transfer'd and assigned over to him by the sheriff, with full power to enable him to put the same in suit, and recover his just debt and damage; and the sheriff delivering up such bond to the creditor so assigned as aforesaid, shall not be liable to any action of escape for any prisoner enlarged upon security given in manner as aforesaid.

*Provided, always,*

## Proviso.

[SECT. 4.] That the sureties be approved as sufficient by the justices of that court before whom the cause upon such commitment is to be tried, or from whence execution issued, or any two of them, or by two justices of the county, *quorum unus*, where the debtor is imprisoned, and no other suret[ie][y]s to be accepted; and that this act shall continue and be in force until[1] the expiration of five years from the publication thereof, and no longer. [Passed October 3; published October 7.



## CHAPTER 5.

## AN ACT IN FURTHER ADDITION TO AN ACT ENTITLED "AN ACT FOR REGULATING FEES."

WHEREAS, in the several acts made for the establishing of fees there are divers things omitted, and no establishment made for such instruments and other papers which are to pass the governour's signature, and are for the benefit of private persons,—

Preamble.  
1715-16, chap. 6.  
1716-17, chap. 6.

*Be it therefore enacted by His Excellency the Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

[SECT. 1.] That for the instruments and papers hereafter named, the following fees, and no other, be allowed,—the said fees to be paid in bills of credit on this province; viz.,—

Fees stated.

For registers:—to the governour, ten shillings; to the secretary, five shillings.

For certificates under the province seal:—to the governour ten shillings; to the secretary, six shillings.

For warrants of apprizement, survey, &c.:—to the governour, five shillings; to the secretary, five shillings.

To the governour: for each pass to the castle, two shillings; for a certificate of naval stores, in the whole, ten shillings.

[SECT. 2.] This act to be and continue in force for the space of five years from the publication thereof, and no longer. [*Passed October 24; published October 31.*]

## CHAPTER 6.

## AN ACT FOR GRANTING UNTO HIS MAJESTY SEVERAL RATES AND DUTYS OF IMPOST AND TUNNAGE OF SHIPPING.

WE, his majesty's most loyall and dutyfull subjects, the representatives of his majesty's province of the Massachusetts Bay in New England, considering the necessity of calling in the sum of twenty thousand pounds, granted to his late majesty King George the First by bills emitted at the May sessions in the year one thousand seven hundred and twenty-five, to be levied and collected in this present year, have chearfully and unanimously given and granted, and do hereby give and grant unto his most excellent majesty, to the end, uses and intents aforesaid, and for no other use, the several duties of impost upon wines, liquors, goods, wares and merchandize that shall be imported into this province, and tunnage of shipping hereafter mentioned, for calling in the sum of five thousand pounds, part of the said sum of twenty thousand pounds abovementioned; and pray that it may be enacted,—

*And be it accordingly enacted by His Excellency the Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

[SECT. 1.] That from and after the twenty-fith\* day of September, instant, there shall be paid by the importer of all wines, liquors, goods, wares and merchandizes that shall be imported into this province from the place of their growth, (salt, cotton-wool, provisions and every other thing of the growth and produce of New England excepted), the several rates and dutys of impost following; viz.,—

\* *Sic in the original;—fifth?*



For every pipe of wine of the Western Islands, twenty shillings.

For every pipe of Canary, thirty shillings.

For every pipe of Madera, twenty-five shillings.

For every pipe of other sorts not mentioned, twenty-five shillings.

For every hogshead of rum containing one hundred gallons, twenty shillings.

For every hogshead of sugar, two shillings.

For every hogshead of molasses, one shilling.

For every hogshead of tobacco, twenty shillings.

For every tun of logwood, three shillings.

And so, proportionably, for greater or lesser quantities.

And for all other commodities, goods or merchandize not mentioned or excepted, one penny for every twenty shillings value: all goods imported from Great Britain excepted.

*And whereas* many strangers and foreigners have of late years reaped great gain and profit by bringing into this province considerable quantities of foreign molasses and rum, on their own accounts, whereby much of the trade that was formerly carried on with considerable profit by the inhabitants of this province, altho with the paying very high charges for permission, &c., in their islands, is in a great measure, if not wholly, prevented; *wherefore*, in order to the subjecting such foreigners' goods to a higher duty,—

*Be it enacted by the authority aforesaid,*

[SECT. 2.] That all such molasses and rum that belong to foreigners, shall pay the following duties; viz<sup>t</sup>.,—

For every hogshead of molasses, five shillings.

And for every hogshead of rum, sixty shillings.

And for the preventing the colouring of such foreigners' goods under the names of any merchants or others inhabiting this province,—

*Be it enacted by the authority aforesaid,*

[SECT. 3.] That when any quantities of such goods are imported into this province, that may reasonably be supposed to come from any of the said foreign plantations, and are said to be consigned to some of the inhabitants of this province, or other British subjects, such person to whom the same is consigned shall make oath before the commissioners of impost in the following words; viz<sup>t</sup>.,—

You, A. B., do swear that the goods imported in the ship or vessel, and consigned to you, did actually and truly come upon the sole proper account and risque, and are *bona fide* the goods and estate of yourself, or some other of his majesty's British subjects, and that no foreigner,\* directly or indirectly, are any ways interested or concerned in the same, or are ever to have any share or part in the same that you know of; nor is this consignment made to you under any colour or pretext to prevent the paying the duties of the same.

[SECT. 4.] And, for any of the above wines, liquors, goods, wares, merchandize, &c., that shall be imported into this province from any other port than the places of their growth and produce, there shall be paid by the importer double the value of impost appointed by this act to be received for every species abovementioned, unless they do *bona fide* belong to the inhabitants of this province, and come upon their risque from the port of their growth and produce.

*And be it further enacted by the authority aforesaid,*

[SECT. 5.] That all the afores<sup>d</sup> imposts, rates and duties shall be paid in currant money, or bills of credit of this province, by the importer of any wines, liquors, goods or merchandize, unto the commissioner to be appointed, as is hereinafter directed, for entering and receiving the same, at or before the landing of any wines, liquors, goods or

\* *Sic* in the original.

merchandizes; only the commissioner or receiver is hereby allowed to give credit to such person or persons where his or their duty of impost, in one ship or vessell, doth exceed the sum of ten pounds; and in case where the commissioner or receiver shall give credit, he shall settle and ballance his accompts with every person, so that the same accompts may be ready to be presented to this court in May next; and all entrys, where the impost or duty to be paid doth not exceed four shillings, shall be made without charge to the importer, and not more than sixpence to be paid for any other single entry to what value soever.

*And be it further enacted by the authority aforesaid,*

[SECT. 6.] That all masters of ships or other vessells, coming into any harbour or port within this province, from beyond sea or from any other province or colony, before bulk be broken, and within twenty-four hours after his arrival at such harbour or port, shall make a report to the commissioner or receiver of the impost, to be appointed as is herein-after mentioned, of the contents of the lading of such ship or vessell, without any charge or fee to be demanded or paid for the same; which report said master shall give in to the said commissioner or receiver under his hand, and shall therein set down and express the quantities and species of the wines, liquors, goods and merchandizes laden on such ship or vessell, with the marks and numbers thereof, and to whom the same is consigned, and also make oath that the said report or manifest of the contents of his lading, so to be by him given in under his hand as aforesaid, contains a just and true accompt, to the best of his knowledge, of the whole lading taken on board and imported in the said vessell from the port or ports such vessell came from, and that he hath not broken bulk nor delivered any of the wines, rum or other distilled liquors or merchandizes laden on said ship or vessell, directly or indirectly, and that if he shall know of any more wines, liquors, goods or merchandize to be imported therein, before the landing thereof he will cause it to be added to his manifest; which manifest shall be agreeable to a printed form made for that purpose, which is to be filled up by the said commissioner or receiver according to each particular person's entry; which oath the commissioner or receiver is hereby impowred to administer: after which such master may unlade and not before, on pain of one hundred pounds to be forfeited and paid by each master that shall neglect his duty on this behalf.

*And be it further enacted by the authority aforesaid,*

[SECT. 7.] That all merchants, factors and other persons, importers, being owners of or having any of the wines, liquors, goods or merchandizes consigned to them that by this act are lyable to pay impost or duty, shall, by themselves or order, make entry thereof in writing, under their hands, with the said commissioner or receiver, and produce unto him the original invoice of all such goods as pay *ad valorem*, and make oath thereto in manner following:—

You, A. B., do swear that the entry of the goods and merchandize, by you now made, contains the true value, agreeable to the original invoice herewith exhibited, and that, according to your best skill and judgment, it is not less than the real cost thereof. So help you God.

—which abovesaid oath the commissioner or receiver is hereby impowred to administer; and they shall pay the duty and impost by this act required, before such wines, liquors, goods, wares or merchandizes be landed or taken out of the vessell in which the same shall be imported, on pain of forfeiting all such wines, liquors, goods, wares or merchandizes so landed or taken out of the vessell in which the same shall be imported.

[SECT. 8.] And no liquors, goods, wares or merchandizes, that by this act are liable to pay impost or duty, shall be landed on any wharff, or into any warehouse or other place but in the daytime only, and that after sunrise and before sunset, unless in the presence and with the consent of the commissioner or receiver, on pain of forfeiting all such wines, liquors, goods, wares or merchandizes, and the lighter, boat or vessell out of which the same shall be landed or put into any warehouse or other place.

[SECT. 9.] And if any person or persons shall not have and produce an invoice of the quantitys of rum or liquors to him or them consigned, then the cargoe wherein the same is, shall be gaged at the charge of the importer, that the quantity thereof may be known.

*And be it further enacted by the authority aforesaid,*

[SECT. 10.] That every merchant or other person importing any wines into this province, shall be allowed twelve per cent for leakage: *provided*, such wines have not been filled up on board; and that every hogshead, butt or pipe of wine that hath two third parts thereof leaked out shall be accounted for outs, and the merchant or importer to pay no duty or impost for the same. And no master of any ship or vessell shall suffer any wines to be filled up on board without giving a certificate of the quantity so filled, under his hand, before the landing thereof, to the commissioner or receiver of impost for such port, on pain of forfeiting the sum of fifty pounds.

[SECT. 11.] And if it be made to appear that any wines, imported in any ship or vessell, be decayed at the time of unlading thereof, or in twenty days afterwards, oath being made before the commissioner or receiver that the same hath not been landed above that time, that the dutys and impost paid for such wines shall be repaid unto the importer thereof.

*And be it enacted by the authority aforesaid,*

[SECT. 12.] That the master of any ship or vessell importing any wines, liquors, goods, wares or merchandize, shall be liable to and shall pay the impost for such and so much thereof, contained in his manifest, as shall not be duly entred, nor the duty paid for the same, by the person or persons to whom such wines, liquors, goods, wares or merchandize are or shall be consigned; and it shall and may be lawfull to and for the master of every ship or other vessell to secure and detain in his hands, at the owner's risque, all such wines, liquors, goods, wares or merchandize imported in any such ship or vessell, until he shall receive a certificate from the commissioner or receiver of the impost that the duty for the same is paid, and until he be repaid his necessary charges in securing the same; or such master may deliver such wines, liquors, goods, wares or merchandize as are not entred, unto the commissioner or receiver of the impost in such port, or his order, who is hereby impowred and directed to receive and keep the same, at the owner's risque, until the impost thereof, with the charges, be paid, and then to deliver such wines, liquors, goods, wares or merchandize as such master shall direct.

*And be it further enacted by the authority aforesaid,*

[SECT. 13.] That the commissioner or receiver of the impost in each port shall be and hereby is impowred to sue the master of any ship or vessell for the impost or duty for so much of the lading of any wines, liquors, goods, wares and merchandizes imported therein, according to the manifest by him to be given upon oath as aforesaid, as shall remain not entred and the duty of impost thereof not paid; and where any goods, wares or merchandizes are such as that the value thereof is not known, whereby the impost to be recovered of the master for the same cannot be ascertained, the owner or person to whom such goods, wares or merchandizes are or shall be consigned, shall be sum-

moned to appear as an evidence at the court where suit for the impost and duty thereof shall be brought, and be there required to make oath to the value of such goods, wares or merchandizes.

*And be it further enacted by the authority aforesaid.*

[SECT. 14.] That the ship or vessell, with her tackle, apparell and furniture, the master of which shall make default in anything by this act required to be performed by him, shall be liable to answer and make good the sum or sums forfeited by such master, according to this act, for any such default; as also to make good the impost or duty for any wines, liquors, goods, wares or merchandizes not entred as aforesaid; and, upon judgment recovered against such master, the said ship or vessell, with so much of the tackle or appurtenances thereof as shall be sufficient to satisfy said judgment, may be taken in execution for the same; and the commissioner or receiver of the impost is hereby impowred to make seizure of such ship or vessell, and detain the same under seizure until judgement be given in any suit to be commenced and prosecuted for any of the said forfeitures or impost, to the intent that, if judgment be rendered for the prosecutor or informer, such ship or vessell and appurtenances may be exposed for satisfaction thereof as is before provided, unless the owners, or some on their behalf, for the releasing of such ship or vessell from seizure or restraint, shall give sufficient security unto the commissioner or receiver of impost that seized the same, to respond and satisfie the sum or value of the forfeiture and duties, with charges, that shall be recovered against the master thereof, upon suit to be brought for the same as aforesaid; and the master occasioning such loss and damage unto his owners through his default and neglect, shall be liable unto their action for the same.

*And be it further enacted,*

[SECT. 15.] That the naval officer within any of the ports of this province shall not clear or give passes to any master of any ship or other vessell, outward bound, until he shall be certified by the commissioner or receiver of the impost that the duties and impost for the goods last imported in such ship or vessell are paid or secured to be paid; and the commissioner or receiver of the impost is hereby impowred to allow bills of store, to the master of any ship or vessell importing any wines or liquors, for such private adventures as shall belong to the master or seamen of such ship or other vessell, at the discretion of the commissioner or receiver, not exceeding three per cent of the lading; and the duties payable by this act, for such wines or liquors in such bills or\* store mentioned and expressed, shall be abated.

*And be it further enacted by the authority aforesaid,*

[SECT. 16.] That all penalties, fines and forfeitures accruing or arising by virtue of this act, shall be one half to his majesty for the uses and intents for which the aforementioned duties of impost are granted, and the other half to him or them that shall seize, inform and sue for the same, by action, bill, plaint or information, in any of his majesty's courts of record, wherein no essoign, protection or wager of law shall be allowed; the whole charge of the prosecution to be taken out of the half belonging to the informer.

*And be it further enacted by the authority aforesaid,*

[SECT. 17.] That there shall be paid by the master of every ship or other vessell, coming into any port or ports within this province to trade or traffick, whereof all the owners are not belonging to this province, except such vessells as belong to Great Britain, the provinces or colonies of Pensilvania, West and East Jersey, New York, Connecticut or Rhode Island, every voyage such ship or vessell does make, the sum of two shillings and sixpence per tun, or one pound of good, new pistol-



powder, for every ton such ship or vessell is in burthen: *saving* of that part which is owned in Great Britain, this province or any of the aforesaid governments (which is hereby exempted); to be paid unto the commissioner or receiver of the dutys of impost and to be applied for the ends and uses aforesaid.

[SECT. 18.] And the said commissioner is hereby impowred to appoint a meet and suitable person to repair unto and on board any ship or vessell, to take the exact measure or tunnage thereof, in case he shall suspect that the register of such ship or vessell doth not express and set forth the full burthen of the same; the charge thereof to be paid by the master or owner of such ship or vessell before she be cleared, in case she appear to be of greater burthen, otherwise to be paid by the commissioner, out of the money received by him for impost, and shall be allowed him accordingly by the treasurer in his accompts. And the naval officer shall not clear any vessell until he be also certified by the said commissioner that the duty of tunnage of the same is paid, or that\* is such a vessell for which none is payable by this act.

*And be it further enacted by the authority aforesaid,*

[SECT. 19.] That there be one fit person, and no more, nominated and appointed by this court as a commissioner and receiver of the aforesaid dutys of impost and tunnage of shipping, and for the inspection, care and management of the said office and whatsoever relates thereunto, to receive commission for the same from the governor or commander-in-chief for the time being, with authority to substitute and appoint a deputy receiver in each port besides that wherein he resides, and to grant warrants to such deputy receivers for their said place, and to collect and receive the impost and tunnage of shipping aforesaid that shall become due within such port, and to render the accompts thereof, and pay in the same, to the said commissioner and receiver; which said commissioner and receiver shall keep fair books of all entrys and dutys arising by virtue of this act, also a particular accompt of every vessell, so that the dutys of impost and tunnage arising on the said vessell may appear; and the same to lye open at all seasonable times to the view and perusal of the treasurer and receiver-general of this province, or any other person or persons whom this court shall appoint, with whom he shall accompt for all collections and payments, and pay in all such moneys as shall be in his hands, as the treasurer or receiver-general shall demand it. And the said commissioner and receiver and his deputy and deputys, before their entring upon the execution of the said office, shall be sworn to deal truly and faithfully therein, and shall attend in the office from nine to twelve of the clock in the forenoon, and from two to five of the clock in the afternoon.

[SECT. 20.] And the said commissioner and receiver, for his labour, care and expences in the said office, shall have and receive out of the province treasury the sum of seventy pounds per annum; and his deputy or deputys to be paid for their service such sum and sums as the said commissioner and receiver, with the treasurer, shall agree, upon reasonable terms, not exceeding thirty pounds each; and the treasurer is hereby ordered, in passing and receiveing the said commissioner's accompts, accordingly, to allow the payment of such salary or salaries as aforesaid, to himself and his deputy or deputys.

*Provided,*

[SECT. 21.] That this act shall be and continue in force from the twenty-fifth day of this instant September, until the twenty-fifth day of December which will be in the year of our Lord one thousand seven hundred and thirty-one, and no longer. [*Passed and published September 25.*



## CHAPTER 7.

AN ACT FOR APPORTIONING AND ASSESSING A TAX OF EIGHT THOUSAND POUNDS; AND ALSO FOR APPORTIONING AND ASSESSING A FURTHER TAX OF TWO HUNDRED AND FORTY POUNDS THIRTEEN SHILLINGS, LAID ON SEVERAL TOWNS WITHIN MENTIONED, FOR NOT SENDING A REPRESENTATIVE, AS BY LAW THEY ARE OBLIGED; AND ALSO FOR APPORTIONING AND ASSESSING A FURTHER TAX OF TWO THOUSAND THREE HUNDRED AND FIFTY-ONE POUNDS FIFTEEN SHILLING, PAID THE REPRESENTATIVES, ANNO 1729.

WHEREAS the great and general court or assembly of the province of the Massachusetts Bay in New England, at their session in May, one thousand seven hundred and twenty-five,\* did pass a grant of a tax on polls and estates, which, with the impost and excise, was to be a fund and security for payment and drawing in the sum of twenty thousand pounds in bills of credit on this province ordered to be imprinted, repeated and issued out of the publick treasury, for the service of the government, in the said session begun and held in May, one thousand seven hundred twenty-five, and applied to the end and uses in the said grant particularly enumerated and expressed; by the resolve of the court that made the aforesaid grant, it was then ordered that the said sum of twenty thousand pounds shall be apportioned and assessed and levied on polls, and estates both real and personal, within this province, according to such rules and in such proportion, upon the several towns and districts within this province, as shall be agreed on and ordered by the court this present year; *wherefore*, for the ordering, directing, perfecting and calling in the said sum of twenty thousand pounds, it is hereby agreed and ordered that there be a tax of eight thousand two hundred and forty pounds thirteen shillings levied and assessed on polls, and estates real and personal, on the several towns within this province, in such proportion as in this act is hereafter expressed, which said sum of eight thousand two hundred and forty pounds thirteen shillings, together with the dutys of impost, tunnage of shipping and also the excise and income of bills let out, and the light-house, amounting to the sum of eleven thousand seven hundred and fifty-nine pounds seven shillings, in the whole, will make the sum of twenty thousand pounds, pursuant to the grants and funds aforesaid, which is unanimously approved, ratified and confirmed; we, his majestie's most loyal and dutiful subjects, the representatives in general court assembled, pray that it may be enacted,—

*And be it accordingly enacted by His Excell<sup>y</sup> the Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

[SECT. 1.] That each town and district within this province be assessed and pay, as such town's and district's proportion of the aforesaid sum of ten thousand five hundred and ninety-two pounds eight shillings, the sums following; that is to say,—

\* NOTES to 1725-26, resolve (a).

† *Sic.*

## IN THE COUNTY OF SUFFOLK.

	RECEIVED BY THE REPRESENTATIVES.	PROVINCE TAX.		SUM TOTAL.
		£103 4s. 0d.	£1480 0s. 0d.	£1,583 4s. 0d.
Boston.	One hundred and three pounds four shillings,	20 11 0	72 2 8	92 13 8
Roxbury.	Twenty pounds eleven shillings,	20 11 0	69 15 4	97 9 4
Dorchester.	Twenty-seven pounds fourteen shillings,	28 4 0	82 17 4	111 1 4
Hingham.	Twenty-eight pounds four shillings,	29 11 0	73 12 0	103 6 0
Brantrey.	Twenty-nine pounds eleven shillings,	29 11 0	63 6 8	89 17 8
Deatham.	Twenty-eight pounds four shillings,	28 4 0	38 10 8	66 14 8
Medfield.	Thirty pounds three shillings,	30 3 0	24 7 4	54 10 4
Weymouth.	Thirty pounds three shillings,	30 3 0	51 12 0	81 15 0
Milton.	Thirty pounds three shillings,	30 3 0	40 11 4	70 12 4
Wrentham.	Thirty pounds three shillings,	30 3 0	17 11 4	47 12 4
Mendon.	Thirty-two pounds fourteen shillings,	32 14 0	46 16 8	78 10 8
Woodstock.	Twenty-five pounds sixteen shillings,	25 16 0	63 7 7*	88 23 7*
Brookline.	Twenty-eight pounds four shillings,	28 4 0	32 0 0	60 4 0
Needham.	Twenty-eight pounds four shillings,	28 4 0	26 18 8	54 16 8
Sutton.	Twenty-eight pounds four shillings,	28 4 0	51 1 0	79 5 0
Oxford.	Twenty-eight pounds four shillings,	28 4 0	24 10 0	52 14 0
Bellingham.	Twenty-eight pounds four shillings,	28 4 0	14 4 0	42 8 0
Walpole.	Twenty-eight pounds four shillings,	28 4 0	14 19 4	42 23 4
Stoughton.	Twenty-eight pounds four shillings,	28 4 0	12 5 4	40 9 4
Uxbridge.	Twenty-eight pounds four shillings,	28 4 0	75 18* 8	103 2 8
		£414 17s. 0d.	£2,378 8s. 7d.	£2,792 15s. 7d.

## IN THE COUNTY OF ESSEX.

	RECEIVED BY THE REPRESENTATIVES.	PROVINCE TAX.		SUM TOTAL.
		£44 14s. 0d.	£298 14s. 8d.	£342 28s. 8d.
Salem.	Forty-four pounds fourteen shillings,	44 14 0	208 0 8	252 14 8
Ipswich.	Forty-five pounds two shillings,	45 2 0	177 3 4	222 5 4
Newbury.	Twenty-nine pounds eight shillings,	29 8 0	182 0 0	211 8 0
Marblehead.	Thirty-eight pounds eight shillings,	38 8 0	86 16 0	124 14 0
Lynn.	Nineteen pounds seven shillings,	19 7 0	99 2 0	118 9 0
Andover.	Twenty-eight pounds sixteen shillings,	28 16 0	77 8 0	105 14 0
Beverly.	Twenty pounds five shillings,	20 5 0	69 8 8	89 13 8
Rowley.	Twenty-nine pounds eleven shillings,	29 11 0	69 8 8	98 19 8

	£25 8s. 0d.	£25 5s. 4d.	£25 10s. 4d.
Salsbury.	Twenty pounds five shillings.	Sixty-five pounds five shillings and fourpence.	£85 10s. 4d.
Haverhill.	Twenty-three pounds eight shillings.	Sixty-five pounds nineteen shillings and fourpence.	85 10 4
Gloster.	Seventeen pounds two shillings.	Ninety-nine pounds one shilling and fourpence.	106 3 4
Boxfield.	Twenty-four pounds eight shillings.	Thirty-one pounds four shillings.	40 3 0
Boxford.	Twenty-nine pounds eight shillings.	Thirty-three pounds and eightpence.	42 8 8
Ainsbury.	Twenty-eight pounds thirteen shillings.	Thirty-three pounds two shillings.	41 15 0
Bradford.	Nineteen pounds sixteen shillings.	Thirty-six pd's sixteen shill' and 8 <sup>1</sup> ; find twenty-eight pd's and two pence.	41 17 1
Wendham.	Twenty-seven pounds nine shillings.	Thirty-one pounds twelve shillings.	41 12 0
Manchester.	0 0 0	Twenty-one pounds sixteen shillings.	21 16 0
Melton.	0 0 0	Thirteen pounds seventeen shillings and fourpence.	13 17 4
Middleton.	0 0 0	Fifteen pounds.	15 0 0
	£450 11s. 0d.		£445 8s. 5d.

## IN THE COUNTY OF MIDDLESEX.

	£25 16s. 0d.	£69 10s. 8 <sup>1</sup> 2.	£85 6s. 8 <sup>1</sup> 2.
Cambridge.	Twenty-five pounds sixteen shillings.	Sixty pounds ten shillings and eightpence.	£85 6s. 8 <sup>1</sup> 2.
Charles-town.	Forty-nine pounds ten shillings.	One hundred thirty-three pounds thirteen shill' and 4 <sup>1</sup> .	133 13 4
Watertown.	Twenty-five pounds sixteen shillings.	Seventy pounds ten shillings.	95 6 0
Concord.	(Excepting that pd's of s <sup>1</sup> town now part of Bedford which is 60 <sup>1</sup> 6 <sup>1</sup> ) twenty-six pd's 7 <sup>1</sup> 6 <sup>1</sup> .	Eighty pounds (exclusive of Bedford's part, which is nine pounds).	70 10 0
Weston.	Twenty-four pounds eighteen shillings.	Thirty-one pounds six shillings and eightpence.	80 0 0
Woburn.	(Including their part of the new township) twenty-eight pd's 1s.		31 6 8
Reading.	(Including their part of the new township) twenty-three pd's two shill'.	Seventy-eight pounds fourteen shill' and eightpence.	78 14 8
Sudbury.	Twenty-two pounds four shillings.	Sixty-two pounds seventeen shillings and fourpence.	62 17 4
Marlborough.	Twenty-two pounds seven shillings.	Seventy pounds two shillings and eightpence.	70 2 8
Lexington.	Twenty-five pounds ten shillings.	Fifty-four pounds six shillings.	54 6 0
Newton.	Twenty-five pounds sixteen shillings.	Forty-four pounds twelve shillings.	44 12 0
Malden.	Twenty-six pounds eleven shillings.	Fifty-four pounds sixteen shillings.	54 16 0
Chelmsford.	Twenty pd's two shill' and sixpence (exclusive of Westford's pd's £7 15 6 <sup>1</sup> ).	Fifty pounds nine shillings and fourpence.	50 9 4
Billericay.	Twenty-three pd's seven shill' and 9 <sup>1</sup> (exclusive of Bedford's pd's which is £4 19 3 <sup>1</sup> ).	Forty-five pd's thirteen shill' and eight p. (exclusive of Westford's pd's £17 11s).	45 13 8
Sherbourn.	Thirty pounds six shillings.	Fifty-four pd's ten shill' and 1 <sup>1</sup> (exclusive of Bedford's pd's £11 13 3 <sup>1</sup> ).	54 10 1
		Twenty-five pounds two shillings.	25 2 0

\* See in the original.

## IN THE COUNTY OF MIDDLESEX—Continued.

	RECEIVED BY THE REPRESENTATIVES.	PROVINCE TAX.			SUM TOTAL.		
		£0	0s.	0d.	£12	0s.	0d.
Holliston, . . .	. . .	0	0	0	18	2	0
Westborough, . .	. . .	0	0	0	18	2	0
Groton, . . .	Thirty-one pounds sixteen shillings, . .	31	16	0	50	12	0
Lancaster, . . .	Twenty-nine pounds fourteen shillings, . .	29	14	0	62	16	8
Framingham, . .	Twenty-six pounds fourteen shillings, . .	26	14	0	51	0	8
Medford, . . .	. . .	0	0	0	24	2	0
Stow, . . .	. . .	0	0	0	46	6	0
Worcester, . . .	Thirty-one pounds ten shillings, . .	31	10	0	22	15	4
Dunstable, . . .	. . .	0	0	0	18	13	4
Dracut, . . .	. . .	0	0	0	15	1	4
Stonham, . . .	. . .	0	0	0	17	18	8
Leecester, . . .	. . .	0	0	0	13	19	4
Littleton, . . .	. . .	0	0	0	23	14	0
Hopkinton, . . .	. . .	0	0	0	12	18	0
Rutland, . . .	. . .	0	0	0	7	16	0
Surewbury, . . .	. . .	0	0	0	14	14	0
Southborough, . .	. . .	0	0	0	17	6	0
Bedford, . . .	To the repives of Concord and Billerica anno 1729, seven pd <sup>s</sup> 19 <sup>s</sup> 9 <sup>d</sup> , . . .	7	19	9	20	13	3
Wesford, . . .	To the repives charge of Chelmsford anno 1729, seven pd <sup>s</sup> 15 <sup>s</sup> 6 <sup>d</sup> , . . .	7	15	6	17	11	0
		£538	7s.	0d.			
					£1,385	4s.	0d.

## IN THE COUNTY OF HAMPSHIRE.

			£25	10s.	0d.	£91	14s.	0d.	£117	4s.	0d.
Springfield,	Twenty-five pounds ten shillings,	•	•	•	•	•	•	•	•	•	•
Northampton,	Thirty-eight pounds two shillings,	•	•	•	•	•	•	•	•	•	•
Hadley,	Thirty-six pounds six shillings,	•	•	•	•	•	•	•	•	•	•
Hatfield,	Twenty-six pounds eight shillings,	•	•	•	•	•	•	•	•	•	•
Westfield,	Thirty pounds eighteen shillings,	•	•	•	•	•	•	•	•	•	•
Sunfield,	Thirty-six pounds six shillings,	•	•	•	•	•	•	•	•	•	•
Enfield,		•	•	•	•	•	•	•	•	•	•
Deerfield,		•	•	•	•	•	•	•	•	•	•
							</				

	£0 0s. 0d.	£47 13s. 1d.	£47 13s. 1d.
Twenty-seven pd <sup>s</sup> one shill and 4 <sup>d</sup> , fined twenty p <sup>d</sup> elev. shill <sup>s</sup> and 9 <sup>d</sup> .			
Eleven pounds two shillings, . . . . .	0 0 0	11 2 0	11 2 0
Twelve pounds ten shillings and eightpence, . . . . .	0 0 0	12 10 8	12 10 8
Thirteen pounds six shill <sup>s</sup> and eightpence, . . . . .	0 0 0	13 6 8	13 6 8
	£193 10s. 0d.		£623 1s. 1d.

## IN THE COUNTY OF PLIMOUTH.

	£30 0s. 0d.	£77 15s. 4d.	£107 15s. 4d.
Thirty pounds, . . . . .	21 18 0	49 10 8	71 8 8
Twenty-one pounds eighteen shillings, . . . . .	29 8 0	103 5 4	132 13 4
Twenty-nine pounds eight shillings, . . . . .	32 2 0	84 10 0	116 12 0
Thirty-two pounds two shillings, . . . . .	28 4 0	61 2 0	89 6 0
Twenty-eight pounds four shillings, . . . . .	20 2 0	27 0 8	47 2 8
Twenty pounds two shillings, . . . . .	27 6 0	32 2 0	59 8 0
Twenty-seven pounds six shillings, . . . . .	30 12 0	54 4 8	84 16 8
Thirty pounds twelve shillings, . . . . .	21 6 0	68 8 0	79 14 0
Twenty-one pounds six shillings, . . . . .	0 0 0	24 4 0	24 4 0
Twenty-four pounds four shillings, . . . . .	0 0 0	24 4 0	24 4 0
Twenty-three pounds fourteen shillings, . . . . .	0 0 0	23 14 0	23 14 0
	£240 18s. 0d.		£620 0s. 8d.

## IN THE COUNTY OF BRISTOL.

	£29 8s. 0d.	£61 3s. 4d.	£90 11s. 4d.
Twenty-nine pounds eight shillings, . . . . .	29 14 0	103 14 8	133 8 8
Twenty-nine pounds fourteen shillings, . . . . .	31 10 0	36 1 4	67 11 4
Thirty-one pounds ten shillings, . . . . .	0 0 0	13 10 8	13 10 8
Easton, . . . . .	17 14 0	123 7 4	141 1 4
Seventeen pounds fourteen shillings, . . . . .	33 15 0	32 18 0	66 13 0
Dighton, . . . . .	31 7 0	95 16 0	127 3 0
Thirty-three pounds fifteen shillings, . . . . .	38 2 0	68 18 8	107 0 8
Thirty-one pounds seven shillings, . . . . .			
Thirty-eight pounds eighteen shill and eightpence, . . . . .			
Thirty pounds eighteen shillings, . . . . .	30 18 0	78 4 8	109 2 8



IN THE COUNTY OF BRISTOL.—Continued.

RECEIVED BY THE REPRESENTATIVES.		PROVINCE TAX.		SUM TOTAL.
		£30 0s. 0d.	£37 13s. 4d.	
Tiver-ton, .	Thirty pounds, .	26 8 0	29 18 0	£57 13s. 4d.
Free-town, .	Twenty-six pounds eight shillings, .	30 6 0	46 17 4	56 6 0
Attleborough, .	Thirty pounds six shillings, .	0 0 0	28 10 0	77 3 4
Barrington, .				28 10 0
		£329 2s. 0d.		£756 13s. 4d.

IN THE COUNTY OF BARNSTABLE.

		£15 12s. 0d.	£101 4s. 8d.	£116 16s. 8d.
Barnstable, .	Fifteen pounds twelve shillings, .	3 12 0	62 2 8	65 14 8
Yarnmouth, .	Three pounds twelve shillings, .	24 14 0	64 17 4	89 11 4
Sandwich, .	Twenty-four pounds fourteen shillings, .	27 4 0	74 7 4	101 11 4
Eastham, .	Twenty-seven pounds four shillings, .	0 0 0	28 16 0	28 16 0
Truro, .		0 0 0	13 10 8	13 10 8
Provincetown, .		0 0 0	46 7 4	58 7 4
Harwich, .	Twelve pounds, .	0 0 0	32 1 4	32 1 4
Falmouth, .		0 0 0	24 4 0	24 4 0
Chatham, .				£447 11s. 4d.

IN THE COUNTY OF YORK.

		£34 10s. 0d.	£67 3s. 4d.	£101 13s. 4d.
York, .	Thirty-four pounds ten shillings, .	11 2 0	85 1 4	96 3 4
Kittery and Sholes, .	Eleven pounds two shillings, .	29 2 0	39 8 0	68 10 0
Berwick, .	Twenty-nine pounds two shillings, .	26 14 0	70 18 11	97 12 11
Wells, .	Twenty-six pounds fourteen shillings, .	0 0 0	21 2 0	21 2 0
Falmouth, .		0 0 0	14 12 8	14 12 8
Bideford, .		0 0 0	9 5 4	9 5 4
Arrundel, .		0 0 0	18 4 0	18 4 0
Scarborough, .				£325 15s. 7d.

IN DUKES COUNTY.

Edgartown, . . . . .	£0 0s. 0d.	Thirty-two pounds, . . . . .	£32 0s. 0d.	£32 0s. 0d.
Chatham, . . . . .	0 0 0	Thirtysix pounds four shillings, . . . . .	36 4 0	36 4 0
Tisbury, . . . . .	0 0 0	Eighteen pounds six shillings, . . . . .	18 6 0	18 6 0
	£0 0s. 0d.			£86 0s. 0d.

IN NANTUCKET COUNTY.

Sherbourn, . . . . .	£0 0s. 0d.	One hundred and four pounds, . . . . .	£104 0s. 0d.	£104 0s. 0d.
Which makes in the whole of what the representatives recd, . . . . .	£2,351 15s. 0d.	Amounting in the whole, including the towns fined, to y <sup>e</sup> sum of, . . . . .	£8,240 13s. 0d.	SUMMA TOTL. £10,592 8s. 0d.

*And be it further enacted by the authority aforesaid,*

[SECT. 2.] That the treasurer do forthwith send out his warrants, directed to the selectmen or assessors of each town or district within this province, requiring them, respectively, to assess the sum hereby set upon such town and district, in manner following; that is to say, to assess all rateable male polls above the age of sixteen years, at thirty-two pence per poll, and proportionably in assessing the additional sum recd out of the treasury for the payment of the representatives (except the governour, lievtenant-governour and their families, president, fellows and students of Harvard Colledge, settled ministers and grammar-school masters, who are hereby exempted as well from being taxed for their polls, as for their estates being in their own hands and under their actual management and improvem<sup>t</sup>), and other persons (if such there be) who, through age, infirmity or extream poverty, in the judgment of the assessors, are not capable of paying towards publick charges, they may except their polls and so much of their estates as, in their prudence, they shall think fit and judge meet, and the justices, in general sessions in the respective counties assembled, in granting a county tax or assessment, are hereby ordered and directed to apportion the same on the several towns in such county in proportion to their province rate, exclusive of what has been paid out of the publick treasury to the representative of such town for his service; and the assessors of each town in the province are also directed, in making any assessment, to govern themselves by the same rule; and all estates, both real and personal, lying within the limits and bounds of such town or district, or next unto the same, not paying elsewhere, in whose hand, tenure, occupation or possession soever the same is or shall be found, and income by trade or faculty which any person or persons (except as before excepted) do or shall exercise in gaining, by money or other estate not particularly otherwise assessed, or commissions of profit in their improvement, according to their understanding and cunning, at one penny on the pound; and to abate or multiply the same, if need be, so as to make up the sum hereby set and ordered for such town or district to pay; and, in making up their assessments, to estimate houses and lands at six years' income of the yearly rents whereat the same may be set or reasonably let for in the places where they lye: *saving* all contracts between landlord and tennant, and where no such contract is, the landlord to reimburse one-half of the tax set upon such houses and lands; and to estimate Indian, negro and molatto servants or slaves, proportionably, as other personal estate, according to their sound judgment and discretion: as also to estimate every ox of four years old and upwards, at forty shillings; every cow of three years old and upwards, at thirty shillings; every horse and mare at three years old and upwards, at forty shillings; every swine of one year old and upwards, at eight shillings; every sheep and goat of one year old and upwards, at three shillings; likewise requiring the assessors to make a fair list of the said assessment, setting forth in distinct columns, against each particular person's name, how much he or she is assessed at for polls, and how much for houses and lands, and how much for personal estate and income by trade or faculty; and the list or lists so perfected and signed by them, or the major part of them, to commit to the collectors, constable or constables of such town or district, and to return a certificate of the name or names of such collector, constable or constables, together with the sum totall to each of them respectively committed, unto himself, some time before the last day of October next.

[SECT. 3.] And the treasurer for the time being, upon the receipt of such certificate, is hereby impowered and ordered to issue forth his warrants to the collectors, constable or constables of such town or district, requiring him or them, respectively, to collect the whole of each

respective sum, assessed on each particular person, before the last of March next; and of the inhabitants of the town of Boston, to collect their proportion sometime in the month of January foregoing; and to pay in their collection, and issue their accompts of the whole, at or before the last day of May next, which will be in the year of our Lord one thousand seven hundred and thirty-one.

*And be it further enacted by the authority aforesaid,*

[SECT. 4.] That the assessors of each town and district, respectively, in convenient time before their making the assessment, shall give seasonable warning to the inhabitants in a town meeting, or by posting up notifications in some place or places in such town or district, or otherwise to notify the inhabitants to give or bring in to the said assessors true and perfect lists of their polls and rateable estates; and if any person or persons shall neglect or refuse so to do, or bring in a false list, it shall be lawful to and for the assessors to assess such person or persons, according to their known ability in such town, in their sound judgment and discretion, their due proportion to this tax, as near as they can, agreeable to the rules herein given, under the penalty of twenty shill<sup>s</sup> for each person that shall be convicted by legal proof, in the judgment of the assessors, of bringing in a false list; the said fines to be for the use of the poor of such town or district where the delinquent lives, to be levied by warrant from the assessors, directed to the collector or constable, in manner as is directed for gathering town assessments, and to be paid in to the town treasurer or selectmen for the use aforesaid: *saving* to the party agrieved at the judgment of the assessors in setting such fine, liberty of appeal therefrom to the court of general sessions of the peace within the county, for relief, as in case of being overrated.

[SECT. 5.] And if the party be not convicted of any falseness in the list by him presented of polls, rateable estate or income by any trade or faculty which he doth or shall exercise in gaining, by money at interest or otherwise, or other estate not particularly assessed, such list shall be a rule, for such person's proportion to the tax, which the assessors may not exceed.

*And whereas*, oftentimes, sundry persons not belonging to this province, bringing in considerable goods and merchandize, and, by reason that the tax or rate of the town where they come to trade or traffick is finished and delivered to the constables or collectors, and, before the next year's assessment, are gone out of the province, and so pay nothing towards the support of the government, tho' in the time of their residing here they reap considerable gain by trade, and had the protection of this government,—

*Be it therefore enacted by the authority aforesaid,*

[SECT. 6.] That when any such person or persons shall come and reside in any town in this province for the space of twenty days, and bring any merchandize, and trade and deal therewith, the assessors of such towns are hereby impowered to rate and assess all such persons according to their circumstances, pursuant to the rules and directions in this act provided, tho' the former rate may have been finished, and the new one not perfected as aforesaid; and the constables or collectors are hereby enjoined to levy and collect all such sums committed to them, and pay the same into the treasury of such town. [*Passed October 3; published October 7.*]

NOTES.—There were four sessions of this General Court; but acts were passed at the third session only. The fourth session was dissolved January 2, 1730–31, and writs were issued for calling a new Assembly. On account of the small-pox which prevailed in Boston, the first session, beginning May 27, was held at Cambridge “in the College Hall,” and after sitting four days was adjourned by the Lieutenant-Governor to June 30, at the same place. Here the Court again sat four days and was then prorogued to July 29, and so, by proclamation, from time to time, until September 9, when it again assembled at Cambridge upon the proclamation of Belcher who had arrived with his commission as

Governor. This (third) session was adjourned, October 3, to the East Meeting-house in Roxbury, where it continued from the 7th to the 22d of that month, and on the 23d met in the George Tavern on Boston Neck, and remained there until October 28th, when the Court was adjourned to December 16th at the Court House in Boston, and was dissolved as above stated.

The first four chapters of the foregoing acts were printed with the sessions acts; and the engrossments of all are preserved, except of chapters 3 and 5.

The acts of this Court were submitted to Mr. Fane March 17, 1730-31, and he reported thereupon, ten days later, that he had "no objection," &c.

*Chap. 3.* This act marks the commencement of the system of issuing bills of credit from the treasury by a formal act instead of by resolve as had been the custom for several years. The following extracts, from the Registers of the Privy Council and from the additional instructions issued to Lieutenant-Governor Dummer, November 12, 1729, will explain the cause of this change:—

"—As to the first of which articles it appeared to their Lordships that the method of supplying the Treasury by way of Resolve was very improper, and not warranted by their Charter no power being thereby given to raise money but by Acts of Assembly. It also appeared in the wording this Resolve the House of Representatives had reserved to themselves a power of allowing and passing all accounts before the Governor could issue any money for the payment of them which their Lordships conceived to be wholly unwarrantable and the Petitioners Agents for the said Province admitting that the method of the House of Representatives ought to be regulated in these two particulars in the manner hereafter directed, and they engaging to write to the House of Representatives to acquaint them therewith, Their Lordships are therefore of opinion that Instructions should be prepared for the Gov<sup>r</sup> or Commander in Chief for the time being of that Province requiring him to take care for the future that no money be raised in that Province but by Act of Assembly in which Act one or more Clauses of appropriation may be inserted, but that the issuing of all moneys so raised be left to the Gov<sup>r</sup> with the advice of the Council according to their Charter subject nevertheless to a future enquiry of the then present or any other Assembly as to the applications of such money."—*Action of the Privy Council on the Complaint of the Agents of the Province Oct. 23, 1729: Registers of the Privy Council, Geo. II., vol. L., p. 64.*

"—We do hereby require you to take care that no Money be raised or Bills of Credit issued in y<sup>e</sup> our Province of the Massachusetts Bay, but by Act or Acts of Assembly in which Act or Acts one or more Clauses of Appropriation may be inserted, but that the issuing of all monies so raised or Bills of Credit be left to Our Governor or Commander in Chief of our said Province with the advice & consent of Our Council, according to their Charter, subject, nevertheless to a future inquiry of the then present or any other Assembly, as to y<sup>e</sup> application of such monies."—*Public Rec. Office: "New Eng. Board of Trade," vol. 39, p. 218.*

"By one of the late Ships I have rec<sup>d</sup> an additional Instruction from the King concerning the raising & emitting of money" \* \* \* "which I shall communicate to you"—*Dummer's speech to the Assembly, May 28, 1730: Council Records, vol. XIV., p. 420.*

This instruction was renewed to Belcher, who was governor when this act was passed.

"August 27, 1729.—In this Manner has the House of Representatives ever since the Year 1721, wrested this Trust out of the Hand of the Governor who had always before enjoyed it without any Interruption, & this by no Law but only by a Resolve, that so His Majesty might not have any Opportunity to disallow it according to the express Words of the Charter,—'That Orders, Laws, Statutes & Ordinances are to be transmitted to the King under the publick Seal for His Approbation or Disallowance.' And this is the very thing that Mr Attorney & Solicitor General observe, upon the third Charge of Governor Shutes complaint."—*Burnet's speech to the Assembly, Ibid., p. 312.*

*Chap. 5.* "—It did appear upon the oath of several Captains of Vessels that since Gov. Burnet's time a new Fee of twelve shillings had been demanded of every ship for a Gov<sup>t</sup> pass and that instead of six shillings as a Register fee for the Governor, twenty shillings had been demanded and their Lordships looking upon this as a matter of very ill consequence, especially as it affects the trading vessels, are therefore of opinion that Instructions should be prepared for the Gov. or Commander in Chief of said Province for the time being not to exact any such Fees for the future or to demand any other Fees than what are legal or have been customarily taken by Governors of that Province."—*Action of the Privy Council, ut supra.*

"—And whereas complaint hath been made to us that our trusty & welbeloved Wm. Burnet Esq<sup>r</sup> late Governor of our said Province did exact certain illegal & unaccustomed fees on shipping; Our further Will & Pleasure is and We do hereby strictly command that neither you our sd Lieutenant Governor nor any succeeding Governor or Commanders in Chief of our sd Province of the Massachusetts Bay do presume to exact or demand any other Fees than what are legal & have been customarily taken by the Gov<sup>r</sup>s or Command<sup>rs</sup> in Chief of that our Province for registering of Ships & for Lett passes on any pretence or account whatever."—*Instructions to Dummer, ut supra.*

"—Inasmuch as the Kings Instruction which I have communicated to you, directs that no Fees shall be taken for Let Passes & Registers but what are legal & have been customarily taken by the Governors and Commanders in Chief of this Province; I think it necessary to acquaint you that I never required any let Passes to be taken nor have any been given out since the Death of his late Excellency Governour Burnet, That for the Registers I have taken the same as he did, supposing it to be about the same value with what was originally taken in peices of Eight; But since I have rec<sup>d</sup> his Majestys Instruction abovementioned, I have refused to take any thing for them at present, referring it to the General Assembly to establish a legal Fee by an Act wh<sup>ch</sup> I now recommend to your Consideration, It may be proper at the same time to take under your Consideration the Permits for Vessels to pass the Castle which were originally set at a New England Shilling each, & were raised to two shillings & six pence in Province Bills, tho I ordered an Abatement of a Shilling on such Vessels as trade in the Ports within this Province."—*Lieut.-Gov. Dummer's message to the House, May 28, 1730: Council Records, vol. XIV., p. 420.*



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ACTS

PASSED 1730-31.

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# ACTS

PASSED AT THE SESSION BEGUN AND HELD AT BOSTON,  
ON THE TENTH DAY OF FEBRUARY, A.D. 1730-31.

## CHAPTER 1.

AN ACT FULLY IMPOWERING COMMISSIONERS TO DETERMINE THE  
BOUNDS BETWEEN THIS HIS MAJESTY'S PROVINCE OF THE MASSA-  
CHUSET[T]S BAY, AND THE PROVINCE OF NEW HAMPSHIRE.

WHEREAS the grants or charters whereby the inhabitants of the province of the Massachuset[t]s Bay hold their lands, declare their northern bounds to be three miles to the northward of Monomack, *alias* Merrimaek River, and of every part thereof, as may more fully appear by the said grants or charters, concerning which northern line there hath been a controversy, for many years past, between the inhabitants of the said Massachuset[t]s and the inhabitants of the province of New Hampshire, which hath occasioned much disquiet and great charge and expence in many lawsuits, and the controversy still lies open, notwithstanding some former attempts for an amicable decision; *and whereas* his majesty hath in his great goodness been pleased to signify to both governments his pleasure respecting the aforesaid controversy, and recommended the peaceable adjustment thereof; this court being willing and desirous that a full issue may be put to all disputes, and no more controversy arise respecting the aforesaid boundary line, but that the same may be absolutely fixed and ever remain indisputable,—

Preamble.

*Be it enacted by His Excellency the Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

[SECT. 1.] That the Honourable Joseph Tal[*t*]cot[t], Esqr., Governour of the colony of Connecticut, the Honourable Joseph Jenks, Esqr., Governour of the colony of Rho[a]d[e] Island, and the Honourable Adolph Phillips, of the colony of New York, Esqr., be and hereby are fully authorized and empowered, after having heard the proofs, pleas, arguments and records that may be produced by the committee, to be appointed for that purpose, in favour of either of the provinces, at such time and place at or near the lands controverted, as they, the aforesaid Joseph Tal[*t*]cot[t], Joseph Jenks and Adolph Phillips, or any two of them shall appoint, finally to agree and determine where the boundary line shall be drawn: *provided*, that no particular person's property shall be affected, or in any wise prejudiced, for or by reason of the boundar[*ie*][*y*]s being fixed and settled, as aforesaid.

Commissioners for settling the line between this province and New Hampshire.

*And be it further enacted,*

[SECT. 2.] That it shall be in the power of the aforesaid Joseph Tal[*t*]cot[t], Joseph Jenks and Adolph Phillips, to order an equivalent to be given and received by each government, in lieu of such lands as

An equivalent of lands may be given.

either of the governments are in the possession or improvement of, by virtue of any ancient grants or patents as the said commissioners shall judge reasonable, such lands falling by the settlement of the line without the government that granted them.

*And whereas* the government of New Hampshire have very lately suggested that there is some controversy relating to the boundary line between that province and the late province of Main (now part of Massachusetts province), which the said province of the Massachusetts hold originally by purchase from the assigns of Sir Ferdinando Gorge,—

[SECT. 3.] This government are also willing that the boundary line between the late province of Main and New Hampshire province, should be made certain, determined and fixed by the aforesaid Joseph Talcott, Joseph Jenks and Adolph Phillips, in the same way, and on the same conditions and provisos upon which the other boundary is or may be agreed: *provided*, their determination and decision shall be by them reduced to writing under their hands and seals, or the hands and seals of any two of them.

*Provided, also,*

[SECT. 4.] That in case it shall happen that any one of the aforesaid three gentlemen should not appear to undertake and perform the business hereby committed to them, that then the persons appointed a committee on the behalf of each government, to attend the commissioners as aforesaid, or the major part of the said committees agreeing, shall choose one other meet person to join the other two commissioners in ordering, settling and determining the aforesaid boundaries; and in case the persons appointed on behalf of each government shall not agree upon a third person, that then the two commissioners that may appear, shall have full power and authority to make choice of a third person; and in case it shall so happen that the two commissioners should not agree upon a third person to join them in this affair, that then His Excellency Jonathan Belcher, Esq., his majesty's governour-in-chief over both provinces, be requested and hereby is fully authorized and empowered to nominate and appoint a discreet, indifferent person to join with the aforesaid two present commissioners; and the person so chosen, either by the persons appointed for and on behalf of each government, the two commissioners, or by His Excellency the Governour, shall have as full and ample authority to all intents as the commissioner that was first appointed, and may happen to be absent, could have had, or ought to have, if he were present.

*And be it further enacted,*

[SECT. 5.] That Edmund Quiney, Elisha Cook, William Dudley, Benjamin Lynde, junior, Esqrs., and Mr. Samuel Wells, or any three of them, be a committee for and on behalf of this government, to appear at the time and place to be appointed by the aforesaid three commissioners, to produce and enforce the proofs, arguments and allegations that may be advanced to maintain this government's right, in holding and enjoying the lands possessed or claimed by them: *provided, also*, that the government of the province of New Hampshire pass an act in substance like this.

*Provided, always,*

[SECT. 6.] That the agreement, final issue and determination of the boundarys before in this act mentioned, shall be compleat, reduced to writing under the hands and seals of the aforesaid three commissioners, or any two of them, the whole being present at the hearing the proofs, pleas and allegations of the aforesaid committees, on or before the last day of November next, and duplicates sealed up and put into the hands of the committee of each government appointed

Line between the province of Maine and New Hampshire to be settled.

How a commissioner is to be appointed in case any one should fail.

Names of the committee to attend the commissioners on behalf of this government.

Time limited for the commissioners' determination.

to attend the aforesaid commissioners, or such of them as the respective committees shall appoint.

[SECT. 7.] The charge and expence that may arise in effecting this affair shall be born and discharged by each government in equal halves. [Passed April 2, 1731.]

## CHAPTER 2.

AN ACT IN ADDITION TO THE ACT ENTITLED, "AN ACT FOR THE SETTLEMENT AND DISTRIBUTION OF THE ESTATES OF INTESTATES."

WHEREAS, in and by an act made and pass'd in the fourth year of the reign of King William and Queen Mary, entitled "An Act for the settlement and distribution of the estates of intestates," it is among other things provided, that the apprizement and division of the houses and lands of any person dying intestate, shall be made by freeholders, to be appointed and sworn by the judge for the probate of wills and granting administrations, which practice, by reason of the great distance of the s[ai]d judge from some such estates, hath been found very burthensome and expensive; for remedy whereof,—

*Be it enacted by His Excellency the Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

That henceforward, when and so often as it shall happen that the estate of any person dying intestate shall be more than ten miles distant from the dwelling place of the judge of probate for the county where such estate shall ly[e], it shall be in the power of any one of his majesty's justices of the peace, for the several counties, to swear the persons appointed for the purpose aforesaid; and in case such estate be more than ten miles distant from a justice of the peace, such persons, as aforesaid, may be sworn by the clerk of the town where the estate lies, a certificate of such oath taken by the justice and clerk, respectively, to be given into the probate office when the persons appointed and sworn, as aforesaid, make return of their doings; any law, usage or custom to the contrary notwithstanding. [Passed April 2, 1731.]

Preamble.  
1692-3, chap. 14.

Persons to app-  
prize and divide  
intestate es-  
tates, to be  
sworn by a jus-  
tice of the  
peace, in case.

## CHAPTER 3.

AN ACT FOR EXPLANATION OF, AND SUPPLEMENT TO, THE ACT REFERRING TO THE POOR, &c.

WHEREAS the law for the binding out poor children apprentices, is misconstrued by some to extend only to such children whose parents receive alms; for explanation whereof,—

*Be it declared and enacted by His Excellency the Governour, Council and Represent[at]ives in General Court assembled, and by the authority of the same,*

[SECT. 1.] That the selectmen or overseers of the poor in any town or district within this province, or the greater part of them, shall take, order, and are hereby impowered from time to time by and with the assent of two justices of the peace, to set to work or bind out apprentice as they shall think convenient, all such children whose parents shall, by the selectmen or overseers of the poor, or the greater part of them, be thought unable to maintain them (whether they receive alms, or are

Preamble.  
1720-21, chap. 7.

Children whose  
parents are un-  
able to main-  
tain them, to be  
bound out.



chargeable to the place or not), so as that they be not cessed to publick taxes or assessments for the province or town charges; male children till they come to the age of twenty-one years, and females till they come to the age of eighteen years or time of marriage; w[hi]ch shall be as good and effectual in law, to all intents and purposes, as if any such child were of full age, and by indenture or covenant had bound him- or herself, or that their parents were consenting thereto, provision therein to be made for the instructing of children so bound out; viz., males to read and write, females to read, as they respectively may be capable. And the selectmen or overseers of the poor shall inquire into the usage of children so bound out by themselves or their predecessors, and endeavour to detend them from any wrongs or injuries.

And for the better preventing of idleness and loose or disorderly living,—

*Be it further declared and enacted by the authority aforesaid,*

[SECT. 2.] That the selectmen or overseers of the poor, or the greater part of them be, and are hereby, further impowered, by and with the assent of two justices of the peace, to set to work all such persons, married or unmarried, able of body, having no means to maintain them, that live idly and use or exercise no ordinary and daily lawful trade or business to get their living by.

[SECT. 3.] And no single person of either sex, under the age of twenty-one years, shall be suffered to live at their own hand, but under some orderly family governm[en]t; nor shall any woman of ill fame, married or unmarried, be suffered to receive or entertain lodgers in her house.

[SECT. 4.] And the selectmen, or overseers of the poor, constables and tithingmen, are hereby ordered to see to the due observance of this act, and to complain and inform against any transgressors thereof, to one or more justices of the peace, or the court of general sessions of the peace, who are hereby respectively required and impowered, upon due conviction of the offender or offenders for living idly or disorderly, contrary to the true intent of this act, to commit or send such offenders to the house of correction or workhouse, there to remain and be kept to labour until they be discharged by order of such justice or justices, or the court of general sesssions of the peace, unless such person or persons so complained of, shall give reasonable caution or assurance, to the satisfaction of the justice or court, that they will reform.

*Provided,*

[SECT. 5.] This act shall not be construed to extend to hinder any single woman of good repute from the exercise of any lawful trade or employm[en]t for a livelihood, whereto she shall have the allowance and approbation of the selectmen or overseers of the poor, or the major part of them; any law, usage or custom to the contrary notwithstanding.

[SECT. 6.] And any two justices committing any person or persons, as afores[ai]d, are hereby impowered, as they shall find cause, to discharge them again.

[SECT. 7.] This act to continue and be in force for the space of five years from the publication thereof, and from thence to the end of the session of the general court then next following, and no longer. [*Passed April 2; published April 5, 1731.*]

Inquiry into the usage of children bound out.

Persons living idly to be set to work.

Idle persons to be sent to the house of correction, &c.

Exception.

Power to discharge.

Limitation to 1736.

## CHAPTER 4.

AN ACT FOR REGULATING THE SOLDIERS IN HIS MAJESTY'S SERVICE,  
AND IN THE PAY OF THIS PROVINCE.

*Be it enacted by His Excellency the Governour, Council and Represent[at]ives in General Court assembled, and by the authority of the same,*

[SECT. 1.] That any cloathing, or other things belonging to any soldier actually in the service, pawned, truckt, bartered or altered from one person to another, shall be restored and made good, without any price or redemption therefor to be rendred or given; and the person offending in making such pawn, truck or barter, and in accepting and receiving the same, shall be punished by lying in the bilboas not exceeding twelve hours, or some other proper military punishment, where they are both in the service.

Soldiers prohibited to pawn or barter their clothes, &c. 1724-25, chap. 5, § 6.  
Punishment.

*And be it further enacted by the authority aforesaid,*

[SECT. 2.] That if any person whatsoever shall trust or give credit to any soldier during his being actually in the service, for cloathing or other things whatsoever, no process shall be granted or served on such soldier for any debt so contracted, until[ly] he be dismissed the service; and every writ or process granted or served contrary hereunto, shall be deemed and adjudged void in law, and of none effect. And any justice of the peace within the county where any soldier is committed and restrained, upon process granted for debt or pretention of debts made as aforesaid, upon certificate from the captain or chief officer, under whose command such soldier is, that he is actually in his majesty's service, shall forthwith order his release from his confinement to return to his duty; any law, usage or custom to the contrary notwithstanding.

Credit forbidden to any soldier while in the service.

[SECT. 3.] This act to continue and be in force for the space of five years from the publication thereof, and from thence to the end of the session of the general court then next following, and no longer.  
[Passed April 2; published April 5, 1731.]

Limitation to 1736.

## CHAPTER 5.

## AN ACT TO PREVENT DECEIT IN THE GAGE OF CASK.

WHEREAS his majesty's good subjects within this province are greatly damaged in the make and measure of their cask, and particularly those of rum and molasses, inasmuch as the hogsheds and other cask, which ought to answer the gage by the rod, have been proved, and upon trial in their drawing off, there hath been wanting seven or eight gallons, and sometimes more, in a hoghead, which persons are obliged to pay for, more than they really receive; for remedy whereof,—

*Be it enacted by His Excellency the Governour, Council and Represent[at]ives in General Court assembled, and by the authority of the same,*

[SECT. 1.] That all rum and molasses in cask of all sorts, from a barrel and upwards, that shall be exposed to sale, be mathematically gaged by Gunter scale, and the quantity said cask can contain, being full, to be set and marked on one head, by the gager, with a marking-iron; and the said gager shall demand and receive of the owner or

Preamble.  
1692-3, chap. 17, § 1.  
1718-19, chap. 16.

Rum and molasses cask to be gauged mathematically.

owners of such rum or molasses sixpence for every cask by him gaged as aforesaid, and no more.

*And be it further enacted by the authority aforesaid,*

General sessions to choose gaugers.

[SECT. 2.] That the justices of the peace, at their first general sessions in each respective county of this province, from the publication of this act, and afterwards, yearly, shall, in every town where there shall be occasion, chuse and appoint a fit person or persons to be a gager or gagers, who shall be sworn to the due execution of their office by one of his majesty's justices of the peace within the same county, in the words following; viz.,—

Gaugers' oath.

You, A. B., being appointed a gager according to law, do swear, that you will, from time to time, diligently and faithfully discharge and execute the office of a gager within the limits whereto you are appointed, for the ensuing year and until another be chosen and sworn in your place; and that by and in all the particulars mentioned in the law whereto your office hath relation, you will do therein impartially, without fear or favour. So help you God.

Penalty for selling without being gauged, &c.

[SECT. 3.] And every person or persons who shall presume to sell any rum or molasses any otherwise than by being gaged as this act directs, and having the gager's mark upon it, shall forfeit and pay for every cask by him or them sold contrary to the true intent and meaning of this act, the sum of five pounds, one half to the poor of the town where the offence is committed, and the other half to the informer, who shall inform and sue for the same before any of his majesty's justices of the peace, or in any of his majesty's courts of record within this province; any law, usage or custom to the contrary notwithstanding.

Limitation.

[SECT. 4.] This act to continue and be in force for the space of five years from the publication thereof, and from thence to the end of the session of the general court then next following, and no longer. *[Passed April 2; published April 5, 1731.]*

## CHAPTER 6.

### AN ACT TO PREVENT FRAUDS IN MUSTER-ROLLS.

Preamble.

1724-25, chap. 5, § 7.

WHEREAS it is judged necessary by this court, that some forts and garrisons within this province, in time of peace, should be supported for the safety thereof, which cannot be without considerable cost and charge; and to the intent that no money may be drawn out of the publick treasury for the payment of any officer, soldier or mariner retained in his majesty's service, and [the] pay of this governm[en]t, but such as *bonâ fide* are not only enlisted, but actually in person do perform their duty,—

*Be it enacted by His Excellency the Governour, Council and Represent[ati]ves in General Court assembled, and by the authority of the same,*

Penalty for false musters.

[SECT. 1.] That every officer posted at any of the forts, garrisons or truck-houses within this province, and all such officers as may hereafter be retained in his majesty's service and the pay of this government, and have soldiers or mariners under their command and enlistment, after the publication of this act, that shall make any false or untrue muster of any man, or shall wittingly or willingly allow or sign any false or untrue muster-roll, or any duplicate of such roll, upon proof thereof upon oath made by two witnesses before the superiour court of judicature, court of assize and general goal delivery, shall, for such offence, be disabled from having or holding any civil or military

office, or employment in this province, and shall likewise forfeit and pay to his majesty the sum of one hundred pounds; the one moiety or half part of which fine or forfeiture to be applied to and for the use and support of this his majesty's government, the other part to and for the use and service of the informer or informers.

*And be it further enacted by the authority aforesaid,*

[SECT. 2.] That if any officer shall enter any person on the muster-roll by a wrong name knowingly, upon conviction thereof such officer shall suffer such pains and penalties as is directed to be inflicted, by this act, on those that shall make and present any false muster-roll.

Penalty for entering soldiers by a wrong name.

And to discourage, and as far as may be, prevent all officers from making and presenting [any] false muster-roll[s],—

*Be it further enacted by the authority aforesaid,*

[SECT. 3.] That upon any complaint or information filed against any officer for breach of this act, in the clerk's office of the superiour court of judicature, setting forth the facts committed by the said officer, fourteen days before the sitting of the said court, upon leave obtained under the hand of the captain-general, or commander-in-chief, the clerk shall issue forth a summons to the officer informed against, commanding him to appear at the superiour court of judicature, &c., to answer to such complaint; which summons, with a copy of the information, shall be served upon the officer complained of, fourteen days before the sitting of the court.

Summons to be given for offender's appearance.

*And be it further enacted by the authority aforesaid,*

[SECT. 4.] That, if any witnesses to prove the facts complained of be retained in his majesty's service and pay of this government, at any of the forts or truck-houses, or vessels, upon application made to, and leave therefor had from, the captain-general or commander-in-chief, as aforesaid, the clerk shall make out *subpœnas* for such witnesses to attend the said court, as evidences in the said cases.

*Subpœnas* to be issued for witnesses.

*And be it further enacted by the authority aforesaid,*

[SECT. 5.] That if any officer shall presume to detain any soldier or sailor under his command, or any ways prevent their attending the said court, when summoned and notified as before directed, such officer, upon conviction thereof, shall forfeit and pay the sum of one hundred pounds, to be disposed of in such manner as in this act is already provided, to be recovered by bill, plaint or information, in his majesty's superiour court of judicature, court of assize and general goal delivery; any law, usage or custom to the contrary notwithstanding. [Passed April 2, 1731.]

Penalty for an officer's preventing witnesses to appear.

## CHAPTER 7.

### AN ACT TO PREVENT UNNECESSARY LAWSUITS.

WHEREAS it frequently happens in controversies upon book debts, that when the action comes upon trial, the defend[an]t pleads and urges payment, and as [an] evidence, produces his book; and whereas the common practice is to give judg[em]ent without admitting any accou[un]t in favour of the defendant, whereby he is necessitated to bring forward a suit himself, which occasions a further cost, and sometimes exposeth him to the loss of his debt, by reason of the original plaintiff's poverty or absconding; for remedy whereof,—

Preamble.

*Be it enacted by His Excellency the Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

Balance to be allowed to plaintiff and defendant in book debts.

[SECT. 1.] That when and so often as any person is or shall be summoned or required, in any action or plea of debt due by book, to appear before any justice of the peace or inferiour court of common pleas, before whom such cause is cognizable, he shall be allowed by the court to produce and plead what is due upon his book, by way of ballance to the plaintiff's book; and the court or justice before whom such tr[i][y]al shall be, are hereby directed and impowered to compare and ballance the books of plaintiff and defendant, and to give judg[e]ment for so much only as shall appear upon such ballance due to the plaintiff; and if nothing appear due to the plaintiff on such ballance, to give judg[e]ment for costs to the defendant; any law, usage or custom to the contrary notwithstanding.

And to the intent the plaintiff may have sufficient opportunity to examine and make all just objections to the defendant's accompt,—

*Be it further enacted by the authority aforesaid,*

Defendant to produce his book.

[SECT. 2.] That no defendant shall be admitted to produce or plead his book upon any suit or tr[i][y]al as above, in a cause triable before a justice of the peace, unless he shall have left a copy of such accompt four days at least before the day of tr[i][y]al, with the justice by whom the same is to be tried; and if the cause be before the inferiour court of common pleas, then a copy of his accompt, as above, shall be left with the clerk of the court at least seven days before the day of the court's sitting; and the justice of the peace and clerk of the court respectively, are hereby directed and required, at the desire of the plaintiff or his attorney, to grant a copy of the accompt so left, taking, as a fee for the same, at the rate of one shilling for each page of twenty-eight lines: *provided, nevertheless*, for the least copy there may be taken sixpence.

Copy of plaintiff's account to be given in before the trial.

Limitation to 1734.

[SECT. 3.] This act to continue and be in force for the space of three years from the publication thereof, and from thence to the end of the then next session of the general assembly, and no longer. [*Passed April 2; published April 5, 1731.*]

## CHAPTER 8.

AN ACT FOR ERECTING, GRANTING AND MAKING A COUNTY IN THE INLAND PARTS OF THIS PROVINCE, TO BE CALLED THE COUNTY OF WORCESTER, AND FOR ESTABLISHING COURTS OF JUSTICE WITHIN THE SAME.

*Be it enacted by His Excellency the Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

New county erected by the name of Worcester. Names of the towns therein. 9 Gray, 512.

[SECT. 1.] That the towns and places hereafter named and expressed; that is to say, Worcester, Lancaster, Westborough, Shrewsbury, Southborough, Leicester, Rutland and Lunenburgh, all in the county of Middlesex; Mendon, Woodstock, Oxford, Sutton (including Hassanamisco), Uxbridge, and the land lately granted to several petitioners of Medfield, all in the county of Suffolk; Brookfield, in the county of Hampshire, and the south town laid out to the Narraganset soldiers; and all other lands lying within said townships, with the inhabitants thereon, shall, from and after the tenth day of July, which will be in the year of our Lord one thousand seven hundred and thirty-one, be and remain one intire and distinct county, by the name of Worcester, of which Worcester to be the county or shire town; and the said county to have, use and enjoy all such powers, priviledges and immunities, as by law other counties within this province have and do enjoy.



*And be it further enacted by the authority aforesaid,*

[SECT. 2.] That there shall be held and kept within the said county of Worcester, yearly and in every year, at the times and place in this act hereafter expressed, a court of general sessions of the peace, and an inferior court of common pleas, to sit at Worcester on the second Tuesdays of May and August, and the first Tuesdays of November and February, yearly and in every year, until this court shall otherwise order; also, that there shall be held and kept at Worcester, within the said county of Worcester, yearly and in every year, until this court shall otherwise order, a superior court of judicature, court of assize and general goal delivery, to sit on the Wednesday immediately preceding the time by law appointed for the holding of the said superior court of judicature, court of assize and general goal delivery at Springfield, within and for the county of Hampshire; and the justices of the said court of general sessions of the peace, inferior court of common pleas, superior court of judicature, court of assize and general goal delivery, respectively, who are or shall be thereunto lawfully commissioned and appointed, shall have, hold, use, exercise and enjoy all and singular the powers which are by law already given and granted unto them, within any other counties of the province, where a court of general sessions of the peace, inferior court of common pleas, superior court of judicature, court of assize and general goal delivery, are already established.

Courts of Justice established in said county.

*Provided,*

[SECT. 3.] That all writs, suits, complaints, process, appeals, reviews, recognizances, or any other matters or things which now are, or at any time before the said tenth day of July, shall be depending in the law within any part of the said county of Worcester; and also all matters and things which now are, or at any time before the said tenth of July, shall be depending before the judges of probate within any part of the said county of Worcester, shall be heard, tried, proceeded upon and determined in the counties of Suffolk, Middlesex and Hampshire respectively, where the same are, or shall be returnable or depending, and have or shall have day or days.

Proviso referring to matters now depending in the courts of the other counties.

*Provided, also,*

[SECT. 4.] That nothing in this act contained shall be construed to disannul, defeat, or make void any deeds or conveyances of lands lying in the said county of Worcester, where the same are, or shall be before the said tenth of July, recorded in the register's office of the respective counties where such lands do now lye; but that all such deeds or conveyances so recorded shall be held good and valid as they would have been had not this act been made

Proviso referring to the registry of deeds in the other counties

*And be it further enacted by the authority aforesaid,*

[SECT. 5.] That the justices of the court of general sessions of the peace, at their first meeting in the said county of Worcester, shall have full power and authority to appoint some meet person within the said county of Worcester to be register of deeds and conveyances within the same, who shall be sworn[e] to the faithful discharge of his trust in the said office, and shall continue to hold and exercise the same according to the directions of the law, until some person be elected by the freeholders of the said county of Worcester (who are hereby impow[er]ed to choose such person on the first Thursday of Sept[em]b[er] next ensuing, by the methods in the law already prescribed), to take upon him that trust; and until such register shall be so appointed by the said justices, and sworn[e], all deeds and conveyances of lands lying within any part of the said county of Worcester, which shall be recorded in the register's office of the respective counties where such lands do now lye, shall be held and deemed good and valid to all intents and purposes as to the recording thereof.

Register of deeds to be chosen.

*And be it further enacted by the authority aforesaid,*

Manner of appointing a register of deeds and county treasurer.

[SECT. 6.] That the methods, directions and proceedings by law provided as well for the electing and choosing a register of deeds and conveyances, as a county treasurer, which officers shall be appointed in the same manner as is by law already provided, on the first Thursday of Sept[em]b[er] next, and also for the bringing forward and trying any actions, causes, pleas or suits, both civil and criminal, in the several counties of this province, and courts of judicature within the same, and choosing of jurors to serve at the courts of justice, shall extend and be attended, observed and put in practice within the said county of Worcester, and by the courts of justice within the same; any law, usage or custom to the contrary notwithstanding.

*Provided, always,*

Proviso about taxes.

[SECT. 7.] That the inhabitants of the several towns and places herein before enumerated and set off a distinct county, shall pay their proportion to any county rates or taxes already made and granted, in the same manner as they would have done had not this act been made. [Passed April 2; published April 5, 1731.]

## CHAPTER 9.

### AN ACT FOR NATURALIZING PROTESTANTS OF FOR[R]EIGN NATIONS, INHABITING WITHIN THIS PROVINCE.

Preamble.

WHEREAS divers Protestants, of the French and other for[r]eign nations, have removed themselves and their families into this province, who are well affected to his majesty's governm[en]t, and useful members of the Commonwealth; but being born out of the king's ligeance, have not by law a right to the privileges and immunities of his majesty's natural-born subjects, but are under divers disabilities, and subjected to many inconveniencies and difficulties in their persons and estates; to the intent, therefore, that such persons and all other well-disposed Protestants of for[r]eign nations, may have due encouragem[en]t to settle themselves and their families within this province,—

*Be it enacted by His Excellency the Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

Foreign Protestants to be naturalized within this province.

[SECT. 1.] That from and after the publication of this act, all Protestants of for[r]eign nations, that have inhabited or resided within this province for the space of one year, are hereby declared to be naturalized, to all intents, constructions and purposes whatsoever, within this province; and from henceforth, and at all times hereafter, shall be entitled to have and enjoy all the rights, liberties and privileges within this province, and no otherwise, which his majesty's natural-born subjects in the said province ought to have and enjoy, as fully, to all intents and purposes whatsoever, as if they had been born within the said province.

*Provided, always,—*

*And it is hereby enacted,*

Oaths to be taken by such as are naturalized.

[SECT. 2.] That all for[r]eign Protestants that shall have the benefit of this act, shall take the oaths by law appointed to be taken instead of the oaths of allegiance and supremacy, subscribe the test or declaration, and take, repeat and subscribe the abjuration oath, in presence of the governour and council of this province, which shall be made of record in the council books, and for

which each person so swearing and subscribing shall pay to the secre- Secretary's fee.  
tary of the province five shillings, and he shall demand no more.

*And be it further enacted by the authority aforesaid,*

[SECT. 3.] That if any for[r]eign Protestant having so sworn and  
subscribed as aforesaid, shall and do demand a certificate of his being Certificate to be  
given by the  
secretary.  
entered upon record in manner aforesaid, the secretary of this province,  
for the time being, is hereby directed and required to grant the same  
under his hand, for which he may demand two shillings and sixpence, His fee.  
and no more; which certificate shall at all times be a sufficient proof  
that such person is naturalized by this act, and as effectual as if the  
record aforesaid were actually produced by them or any of them.  
[Passed April 2; published April 5, 1731.]

## CHAPTER 10.

AN ACT IN FURTHER ADDITION TO THE ACT ENCOURAG[E]ING THE  
KILLING OF WOLVES, MADE IN THE FIFTH YEAR OF THE REIGN OF  
KING WILLIAM AND QUEEN MARY.

*Be it enacted by His Excellency the Governour, Council and Repre-  
sent[at]ives in General Court assembled, and by the authority of the  
same,—*

[SECT. 1.] That from and since the third day of July last past, unto  
the publication of this act, and from thenceforth unto the expiration  
thereof, the reward for killing a grown wolf shall be the sum of four  
pounds, and for a wolf's whelp (other than such as shall be taken out  
of the belly of any bitch wolf), the sum of twenty shillings; to be paid  
according to the provision made in this act.

And for preventing of fraud in any person that shall bring the head of  
a wolf or wolf's whelp to the constable of any town, killed without the  
bounds of the province,—

*Be it enacted by the authority aforesaid,*

[SECT. 2.] That when and so often as any person shall bring the  
head of any grown wolf or wolf's whelp, to the constable of any town  
or district within this province, and it be suspected that such wolf or  
wolf's whelp was not killed within the same, such person or persons  
shall not be entitled to the reward in this act provided, until he or they  
make oath before one of his majesty's justices of the peace, or select-  
men of the town in such town where no justice of the peace dwells,  
who are hereby empowered to administer the same, that such wolf or  
whelp was *bona fide* killed within this province.

*And be it further enacted by the authority aforesaid,*

[SECT. 3.] That if any Indian or Indians shall kill any wolf or wolf's  
whelp within this province, they shall be entitled to the same reward  
in this act provided for the killing of wolves or wolves' whelps, in case  
such Indian or Indians bring the body of such wolf or wolf's whelp to  
a constable, and satisfy the selectmen of the town where the wolf or  
wolf's whelp is brought, that they were killed in this province,

*And whereas* it has been represented to this court that it has been  
practised in some parts of the province to bring the pate or scalp of a  
wolf to a constable, instead of a head, w[hi]ch, if not prevented for the  
future, may be of evil consequence,—

*Be it therefore enacted by the authority aforesaid,*

[SECT. 4.] That no constable or selectmen for the future shall take  
or receive any pate or scalp of any wolf, or give receipt of the same for  
the payment thereof, on penalty of forfeiting the sum of four pounds;

1693, chap. 6,  
and see 1728-29,  
chap. 10.

Reward of four  
pounds for kill-  
ing a wolf.  
Wolf's whelp,  
twenty shil-  
lings.

Oath to be made  
for the killing of  
a wolf.

Indians entitled  
to the reward,  
in case.

No pate or scalp  
to be received,  
or receipt  
passed by a con

stable, or select- one mo[i][y]ety thereof to his majesty, for and towards the support  
men. of this government, and the other moiety to him or them that shall sue  
for the same.

*Provided,*

Limitation to [SECT. 5.] This act shall continue in force until[l] the end of the  
1736. session of this court in May, *anno* one thousand seven hundred and  
thirty-six, and no longer. [*Passed April 2; published April 5, 1731.*]

CHAPTER 11.

AN ACT FOR ENCOURAGING THE RAISING OF HEMP WITHIN THIS  
PROVINCE.

*Be it enacted by His Excellency the Governour, Council and Repre-  
sent[ati]ves, in General Court assembled, and by the authority of the  
same,*

Premium for [SECT. 1.] That from and after the publication of this act, there shall  
hemp. be paid out of the publick treasury the sum of twenty-nine shillings for  
1725-26, chap. 7. every hundred and twelve pounds of water-rotted, well cured and clean-  
dressed hemp, of the growth of this province, that is brought to the sur-  
veyo[u]r or surveyo[u]rs within any county, and so in proportion for a  
less quantity, not less than fifty-six pounds' weight; the quantity and  
Quality of hemp. quality of hemp to be certified to the treasurer under the hands of such  
skilful surveyo[u]r or surveyo[u]rs, as the governour or commander-in-  
chief, with the advice and consent of the council, shall, from time to  
time, nominate and appoint; who shall be paid by the vendor one shil-  
ling for every hundred and twelve pounds they shall survey, and so in  
proportion for a greater or lesser quantity.

*And be it further enacted by the authority aforesaid,*

Surveyors to be [SECT. 2.] That no hemp shall be accounted merchantable within  
appointed and sworn. the intent of this act, but such as shall be bright, well cured and water-  
rotted, of three feet in length, and cleansed fit for use, and so certified  
under the hand of one or more surveyo[u]r or surveyo[u]rs, to be ap-  
pointed as aforesaid; and such surveyo[u]rs shall have an oath admin-  
ist[er]e[d] to them by the governour, or such person or persons as the  
governour, with the advice and consent of the council, shall appoint, of  
the tenour, as is provided in an act made and passed in the thirteenth  
1701-2, chap. 13. year of the reign of King William the Third, entitled "An Act to en-  
courage the sowing and well manufacturing of hemp within this prov-  
ince"; and no person shall be entitled to any premium for hemp till he  
hath made oath before the treasurer of the province, or surveyo[u]r, to be  
appointed as aforesaid (who are hereby impowered to administer the  
same), that the said hemp is *bona fide* the produce and growth of this  
province, and that he nor any other person hath received the premium  
for the same, or an[y] part thereof.

*And be it further enacted by the authority aforesaid,*

Extraordinary [SECT. 3.] That if any person shall bring to the market the quan-  
premium for tity of two hundred and twenty-four pounds weight of hemp, and shall  
two hundred make oath before the treasurer, that the whole of such quantity was  
and twenty-four pounds' weight. raised by him within one year, and that he nor any person else hath re-  
ceived [the] premium for any part thereof, he shall be allowed seven  
shillings per hundred over and above what is before allowed by this act.

*And be it further enacted,*

Surveyor to [SECT. 4.] That when any survey[o]r, appointed as aforesaid, shall  
certify that the view or survey any hemp in any town (except Boston), when he certi-  
ficate is taken.



fies to the treasurer the quantity and quality of the hemp, he shall also certify that the owner hath taken the oath appointed by this act to be taken by the person claiming the bounty allowed in this act.

[SECT. 5.] This act to continue in force for the space of five years from the publication thereof, and from thence to the end of the session of the general court then next following, and no longer. [*Passed April 2; published April 5, 1731.*]

Limitation to  
1736.

## CHAPTER 12.

AN ACT IMPOWERING COURTS TO ADJOURN AND REMOVE FROM THE TOWNS APPOINTED BY LAW FOR HOLDING COURTS, TO OTHER TOWNS, IN CASE OF SICKNESS BY THE SMALL-POX.

WHEREAS the several acts of this province for establishing and holding the superiour court of judicature, court of assize and general goal delivery, courts of general sessions of the peace, and inferiour courts of common pleas in the several counties of this province, and for ascertaining the time and place for holding the same, do not empower the justices of the said courts to adjourn to any other town from those where the said courts are held according to law, tho' at the same time the small-pox (being a mortal infectious distemper) may prevail there, and so endanger the lives and health of many of his majesty's good subjects obliged to attend said courts, or in a great measure prevent persons concerned attending, whereby justice may be greatly delayed, and the subject oppressed,—

Preamble.  
1721, chap. 3.

*Be it therefore enacted by His Excellency the Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

That when any of the beforementioned towns shall be visited with the aforesaid mortal infectious distemper, at the time appointed for holding said courts, that then it shall be in the power of the justices of said courts to adjourn and remove to one of the next adjacent towns of safety; any law, usage or custom to the contrary notwithstanding. [*Passed April 2, 1731.*]

Courts to be removed in case of the small-pox.

## CHAPTER 13.

AN ACT FOR THE RELIEF OF, AND TO PREVENT THE OPPRESSION OF, DEBTORS.

WHEREAS the merchandize, trade and business of the province have been for several years past, and still are carried on and managed by bills of publick credit on this province, which have served as a medium of exchange, and debts, when contracted, were intended by the creditor, as well as debtor, to be discharged and paid in the bills aforesaid.—

Preamble.  
1722-23, chap. 14

*Be it therefore enacted by His Excellency the Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

That no debtor, for any debt that have been made and contracted from and since the thirty-first day of October last past, or which shall be contracted from and after the date hereof, until[1] the thirty-first of October which will be in the year of our Lord one thousand seven hundred and forty-one (specialties and express contracts in writing

Bills of credit to be a tender.



always excepted), that shall tender satisfaction and payment of his full debt in good and lawful bills of credit on this province, shall be liable to have execution served or levied on his person or estate, or be imprisoned, upon any recovery of judgment to be granted [a]gainst him for such debt; any law, usage or custom to the contrary notwithstanding. [*Passed April 2; published April 5, 1731.*]

## CHAPTER 14.

AN ACT FOR DIVIDING THE TOWN OF TAUNTON, AND ERECTING A NEW TOWN THERE BY THE NAME OF RAYNHAM.

Preamble.

WHEREAS the town of Taunton, within the county of Bristol, consists of a great number of inhabitants, and the north-easterly part thereof is competently filled with inhabitants, who have addressed this court to be set off a distinct and sep[arate] township,—

*Be it therefore enacted by His Excellency the Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

A new town called Raynham.

The bounds thereof.

[SECT. 1.] That the north-easterly part of Taunton, as hereafter bounded and described, be and hereby is set off and constituted a sep[arate] township, by the name of Raynham; the bounds of the said township to be as followeth; viz., on the east by Bridg[e]water line; on the south by Taunton Great-River, including all the land of Lieutenant Ebenezer Robinson on the south-easterly or south side of s[ai]d river (except that p[ar]t of land by his saw-mill, near the furnace, which is in Middleborough precinct); thence down said river to the bounds between the land of Thomas Dean and Nathaniel Williams, at the place called Shallow Water; thence on a streight line to the east end of Prospect Hill, at the going over of the way: including within said new township all the land of Zephaniah Leonard, and that which was formerly Capt. James Leonard's, which joyneth to and is on the west side of said line,—which is to pay his proportion of all public charges to said new township,—and excluding the land of Nathaniel Williams, joining to and on the east side of said line,—which is to pay his proportion of public charges to the town of Taunton; thence to run northerly by said way to the great cedar swamp at the going in of the great-island way; thence to cross said island, and run streight to Easton line, at the nearest place; thence to run easterly by s[ai]d Easton line, until it comes to Bridg[e]water line, first mentioned: and that the inhabitants of the said lands, as before described, are hereby accordingly endowed and vested with all powers, privileges, immunit[ies] and advantages which other towns in this province by law have and enjoy: *provided*, that the inhabitants of the said town of Raynham do, within the space of three years from the publication of this act, procure and settle a learned, orthodox minister, of good conversation, and make provision for his comfortable and honourable support, and likewise provide a school-master to instruct their youth to read and write.

Minister and school to be settled.

*Provided, also,—*

*And be it further enacted,*

Proviso.

[SECT. 2.] That the said inhabitants of the s[ai]d town of Raynham pay their respective proportions of all taxes and town rates that are already levied or assessed upon the town of Taunton, for charges hitherto arisen within said town; and that that part of the land belonging to John King and Philip King, within the bounds herein described, that ha[ve] been heretofore exempted from paying public charges

to the town of Taunton, he also in like manner exempted from paying any charges towards this new township. [*Passed April 2; published April 5, 1731.*]

## CHAPTER 15.

AN ACT FOR PAYMENT OF THE MEMBERS OF HIS MAJESTY'S COUNCIL, AND THE REPRESENT[ATI]VES SERVING IN THE LATE GENERAL COURT OR ASSEMBLY FROM THE FOURTEENTH OF OCTOBER LAST PAST, TO THE DISSOLUTION THEREOF, AND OF THE MEMBERS AFORESAID SERVING IN THIS COURT TO THE END OF THE PRESENT SESSION.

WHEREAS the members of his majesty's council, and the representatives serving in the general court, are necessarily exposed to considerable expence in travelling to and from the place where the court is holden, as well as during the time of their actual attendance on the publick service.— Preamble.  
1714, chap. 4.

*Be it enacted by His Excellency the Governour, Council and Represent[at]ives in General Court assembled, and by the authority of the same,*

[SECT. 1.] That for service in the general court from and since the fourteenth day of October last past, and unto the end of this present session, there shall be paid out of the publick treasury to each member of his majesty's council, ten shillings *per diem*, and to each member of the house of represent[at]ives, six shillings *per diem*, for so many days as they have served or shall serve in the court from and since the fourteenth day of October last past, and unto the end of the present session of this court, and for their travel to and from the same (twenty miles to be accounted a day's travel), to be paid to each of them, upon certificate from the secretary, and clerk of the house of represent[at]ives, respectively, of the number of days of their attendance at said court, and travel to and from the same to be accounted as aforesaid.

Members of both houses to be paid for their attendance and travel.

And in order to supply the province treasury with a sufficient sum for the payment of the members of his majesty's council,—

*Be it enacted, by the authority aforesaid,*

[SECT. 2.] That the sum of one thousand pounds, in bills of credit on this province, now in the hands of the treasurer, received by taxes, impost, &c., be emitted and issued out of the treasury; and that the same be and hereby is appropriated and set apart for the payment of the members of his majesty's council, as before directed, and to and for no other use whatsoever; and the treasurer is accordingly impowered and directed, upon certificate from the secretary, as aforesaid (having a warrant, according to the direction in the royal charter, for the same), to pay the members of his majesty's council their respective dues out of the said sum.

Grant of one thousand pounds for paying the councillors.

And as a fund and security for the payment and drawing in of such sums as shall be paid out to the members of the council aforesaid,—

*Be it further enacted by the authority aforesaid,*

[SECT. 3.] That there be and hereby is granted unto his most excellent majesty, a tax on the polls, and estates both real and personal, within the province, of the sum and sums which shall be paid by the province treasurer to the members of council as aforesaid, to be added to the next general province tax which shall be granted to be levied on the polls and estates, as aforesaid.

Fund.

And in order to supply the province treasurer with a sufficient sum for the payment of the representatives, as aforesaid,—

Two thousand  
five hundred  
pounds granted  
for the repre-  
sentatives' pay.

*Be it enacted by the authority aforesaid,*

[SECT. 4.] That the sum of two thousand five hundred pounds, in bills of credit on this province now in the hands of the treasurer, received by taxes, impost, &c., be emitted and issued out of the treasury, and that the same be and hereby is appropriated and set apart for the payment of the members of the house of represent[ati]ves, as before directed, and to and for no other use whatsoever; and the treasurer is accordingly directed and impowered, upon certificate, as aforesaid (having a warrant, according to the direction of the royal charter, for the same), to pay the members of the house of representatives their respective dues out of said sum.

Fund.

And as a fund and security for the payment and drawing in of such sums as shall be paid out to the represent[ati]ves of the several towns, in manner aforesaid,—

*Be it enacted by the authority aforesaid,*

Pay of the rep-  
resentatives to  
be levied on the  
towns that send  
them.

[SECT. 5.] That there be and hereby is granted unto his most excellent majesty, a tax of the sum and sums paid by the province treasurer to the represent[ati]ves, as aforesaid, to be levied and assessed on the polls and estates of the inhabitants of the several towns, according to what their respective represent[ati]ves shall so receive; and the assessors of such towns shall be and hereby are required to assess the polls and estates of the inhabitants within the same, in the same manner as the next province tax shall be assessed, and in the same proportion that the sum so paid the represent[ati]ves bears to the s[ai]d province tax; and the province treasurer is hereby impowered and directed to send forth his warrant[s] for collecting the sum to reimburse the treasurer for what is paid to the represent[ati]ves, with the warrants for collecting the next province tax; and the collectors of the said towns shall pay to the treasurer of the province, at the time of paying the province tax, such sum or sums as were levied on account of the sum or sums paid the[ir] respective represent[ati]ves. And the treasurer is hereby directed to keep a separate accompt of what shall be paid or emitted on this fund, distinct from all other emission[s] or funds whatsoever, and shall debit and credit the several towns, according to what they shall receive out of, and repay into, the treasury, respectively, on this account, to the end that the other funds for bills of credit may not by any ways be affected by this act. [*Passed and published April 24, 1731.*]

## CHAPTER 16.

AN ACT IN ADDITION TO AN ACT INTITLED "AN ACT FOR ASCERTAINING THE NUMBER, AND REGULATING THE HOUSE OF REPRESENTATIVES."

Disallowed by  
the privy coun-  
cil, January 10,  
1733-34.  
1726-27, chap. 13.  
1692-93, chap. 44.

WHEREAS in and by an act made and pass'd in the thirte[n]th year of his late majesty, King George, entitled "An Act for enlarging the pay of the members of the great and general court or assembly of this province," the first clause in the act for ascertaining the number, and regulating the house of represent[ati]ves, made in the fourth year of the reign of King William and Queen Mary, enjoying each town within this province, having forty families, to send a person to represent them in the gen[era]l court, was repealed and made null and void, and no provision is made by law to oblige any town to send a representative, w[h]ich may be found inconvenient,—

*Be it therefore enacted by His Excellency the Governour, Council and Represent[at]ives in General Court assembled, and by the authority of the same,*

That for the future, every town within this province, consisting of the number of eighty resident freeholders, and other inhabitants qualified by the royal charter to vote in the election of represent[at]ives, shall be and hereby are enjoined to chuse and send one freeholder as their representative, being a resident in the town for w[hi]ch he may be elected; and every town consisting of the number of one hundred and twenty families, or upwards, may send two repres[ent]atives, residents as afores[ai]d; and each town under the number of eighty freeholders and other inhabitants, as afores[ai]d, are at liberty to send a representative, if they think fit, to serve for and represent them in every great and gen[era]l court or assembly, from time to time; and no town shall at any time send more than two represent[at]ives, except Boston, who are hereby allowed to chuse and send four; any law, usage or custom to the contrary notwithstanding. [*Passed and published April 24, 1731.*]

Regulation of the towns as to their sending representatives.

“The Reason for this Act as set forth in the preamble of it is ‘That by an Act made & passed in the 13<sup>th</sup> year of his late Majesty King George intituled *An Act for enlarging the pay of the Members of the Great & Gent Court or Assembly of this Province*, the first clause in y<sup>e</sup> Act for ascertaining the number and regulating the House of Representatives made in the 4<sup>th</sup> year of King William and Queen Mary injoining each Town within this Province having 40 Families to send a person to represent them in the General Court was repeal’d & made null & void and no provision is made by Law to oblige any Town to send a Representative’ which may be found inconvenient Upon which We beg leave to acquaint Yo<sup>r</sup> Majesty that y<sup>e</sup> above mentioned Act of the 13<sup>th</sup> of his late Majesty, which repealed the said first clause in the said Act of King William & Queen Mary was a Temporary Law, and is expired and that upon y<sup>e</sup> expiration of it, the said Clause did revive again and is now in force, which entirely destroys the reason given for this New Law.

We have also another objection to this New Law, because it makes an alteration in y<sup>e</sup> aforementioned Law, pass’d the 4<sup>th</sup> of King Wm. & Queen Mary, confirm’d by the Crown in August 1695 and has not the Clause for suspending its taking effect, until Yo<sup>r</sup> Majesty’s pleasure should have been declared thereon, according to Yo<sup>r</sup> Majesty’s 15<sup>th</sup> (16<sup>th</sup>) Instruction to Yo<sup>r</sup> Governor of the Massachusetts Bay & therefore We humbly beg leave to lay the same before Yo<sup>r</sup> Majesty for your disallowance”—*Representation of the Lords of Trade, December 10, 1731.*

## CHAPTER 17.

### AN ACT FOR SUPPLYING THE TREASURY WITH THE SUM OF SIX THOUSAND POUNDS.

*Be it enacted by His Excellency the Governour, Council and Represent[at]ives in General Court assembled, and by the authority of the same,*

[SECT. 1.] That the sum of six thousand pounds, in bills of credit now lying in the treasury, and received for taxes, impost, excise, &c., shall be emitted and employed for the necessary defence and support of his majesty’s government, and the protection and preservation of the inhabitants of this province, and for wages and subsistence of the officers and soldiers, &c., at the several forts, garrisons and truck-houses within this province, and for payment of the publick debts of the province, and for payment of the grants and allowances made or to be made by this court, to be issued out of the treasury by warrant, under the hand of his excellency the governour, or commander-in-chief, for the time being, with advice and consent of the council; and the said bills shall pass out of the publick treasury, at the value therein expressed, equivalent to money, and shall be so taken and accepted in all publick payments; and the duties of impost and excise, together with all the other incomes, shall be a fund and security for the payment and drawing the said bills into the treasury again.

Six thousand pounds to be emitted.



Fund.

*And be it further enacted,*

[SECT. 2.] That there be and hereby is granted unto his most excellent majesty, as a further fund and security for the drawing in the said bills by this act ordered to be emitted, a tax of six thousand pounds, to be levied upon polls, and estates both real and personal, within this province, according to such rules and directions, and in such proportion upon the several towns and districts within the same, as shall be agreed on and ordered by this court at their session in May, one thousand seven hundred and thirty-four, and paid into the treasury on or before the last day of December, then next following. [*Passed and published April 24, 1731.*]

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## CHAPTER 18.

AN ACT IN FURTHER ADDITION TO AN ACT ENTITLED "AN ACT FOR DUE REGULATION OF WEIGHTS AND MEASURES," MADE IN THE FOURTH YEAR OF THE REIGN OF THEIR MAJESTY[S], KING WILLIAM AND QUEEN MARY.

*Be it enacted by His Excellency the Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

That the brass and copper weights and measures lately sent out of England, with certificate out of his majesty's exchequer, to be approved Winchester measure, according to the standard in the exchequer, be the publick allowed standard throughout this his majesty's province, for the proving and sealing all weights and measures thereby. And the constables of every town throughout this province, not already supplied, shall within three months next after the publication of this act, provide, upon the [the] town's charge, one bushel[1], one half-bushel[1], one peck, one half-peck (conformable as to bigness to the s[ai]d standard, and of the same breadths as are already mentioned in an act made in the twelfth year of the s[ai]d King William, intituled "An Act in addition to the Act for due regulation of weights and measures"), as also one ale quart, one wine pint and half-pint, one ell, one yard, one set[t] of brass weights to four pounds (after sixteen ounces to the pound), with fit scales and steel beam[s], tried and proved by the afores[ai]d standard, and sealed with a seal, of the letters, P. M., (which shall be kept for that purpose), by the province treasurer, or some other person in his presence, and by his order, which s[ai]d weights and measures shall be kept and used only for standards in the several towns; and the s[ai]d treasurer is hereby authorized and required to do the same, for which he shall receive from the constables of each town, twopence for every weight and measure tried, proved and sealed as aforesaid; any law, usage or custom to the contrary notwithstanding. [*Passed and published April 24, 1731.*]

NOTES. —"By the late Dissolution I have given the whole Country the Opportunity of sending such to represent them as may put an End to the Broils & Confusions in which you have been so long and so unhappily involved, And I hope you are now come together to be the happy Deliverers of your Country from the troubles and Difficulties that still hang over it."—*Belcher's speech at the beginning of the session: Council Records, vol. XV., p. 4.*

This General Court, which assembled February 10, 1730-31, held but one session, and was dissolved April 24, 1731, having passed eighteen acts, all of which were printed. The engrossments of chapters 5 and 12 have not been found.

All these acts were submitted, by the Lords of Trade, to Mr. Fane, July 22, 1731, who reported, October 26, that he had no objection to them in point of law. It appears that these acts were laid before the Privy Council, August 12, 1731, and by them immediately referred to the Lords of Trade. The latter met on the twenty-sixth of the same month, and agreed to consider the acts "so soon as Mr. Fane shall have made his Report thereupon to the Board." After Mr. Fane's report was received, chapter 16 was again referred to

Standard of  
weights and  
measures.  
1692-3, chap. 30.  
1700-1, chap. 10.  
1705-6, chap. 6.



him, and he made a further report thereon, November 24, as shown in the note to that chapter. The date of the "representation" of the Lords of Trade upon these acts is December 10, 1731; and in conformity therewith the Privy Council approved all of them, except chapter 16, on the twenty-seventh of January following. The order in council disallowing chapter 16 was not passed until January 10, 1733-34.

Chap. 9. "Febry 25, 1730.—A petition of Andrew Le Mercieur, Daniel Johonnet, Andrew Sigourney, John Petel, Andrew Duckerman and Martin Brimmer, French & German Protestants Shewing that they have behaved as good Subjects to His Majesty and have cheerfully born the burdens, which have been laid on them for the Support of the Government, and therefore praying that by an Act of this Assembly they may be Vested with the Priviledges & Immunities that His Majestys natural born Subjects within this Province do Enjoy—

In Council; Read & Ordered that the Prayer of the Petition be so far granted as that the Petitioners with all other foreign Protestant Inhabitants of this Province shall within this Province hold and Enjoy all the Priviledges and Immunities of His Majesty's natural born Subjects; and that they have Liberty to bring in a Bill accordingly—

In the House of Representatives Read & Concur'd."

—Council Records, vol. XV., pp. 24, 25.

Chap. 16. The preamble of this act assumes that upon the expiration of the temporary act of 1726-27, chapter 13, which repealed so much of the act of 1692-3, chapter 44, as required every town containing forty families to send a representative, there remained no provision of law for sending any representatives whatever. By the following extracts it will appear that the Home Government took a different view, and decided that the expiration of the act of 1726-27 revived the repealed clause in the act of 1692-3; and that for this reason, as well as because by the fifteenth instruction to the Governor, repealing-acts were required to contain a clause suspending their operation until after their approval by the Crown,—which provision was omitted in this act,—this chapter was disallowed by the Privy Council.

"Sec. Popple to Francis Fane Esqr 12 November 1731.

To Francis Fane Esqr One of His Maj<sup>ty</sup>s Council at Law

S<sup>r</sup> An Act having been pass'd in the Gen<sup>l</sup> Assembly of His Maj<sup>ty</sup>s Province of the Massachusetts Bay in 1692 intituled *An Act for ascertaining the number & regulating the House of Representatives*, which was confirm'd by the Crown in 1695 & another Act having been pass'd in the said Assembly in the 13<sup>th</sup> year of the reign of his late Majesty King George y<sup>e</sup> 1<sup>st</sup> intituled *An Act for enlarging the pay of the Members of the Great & General Court or Assembly of this Province & for regulating the several Towns therein as to the choice of Representatives and for repealing one Clause in a former Act relating to them*, Which last mentioned Act being only temporary & expiring by its own limitation in 3 years from y<sup>e</sup> end of the then next Session in May 1727 I am commanded by my Lords Commrs for Trade & Plantations to desire your opinion whether upon the expiration of the said last mentioned Act the Clause in y<sup>e</sup> first Act relating to y<sup>e</sup> sending a Representative to the Gen<sup>l</sup> Assembly by each town consisting of 40 Families (repealed by the last) does not revive. I am, Your most humble Servant

ALURED POPPLE

Whitehall Nov<sup>r</sup> 12. 1731.

P. S. The first Act you will find in the Printed Laws of the Massachusetts Bay (which you have by you) page 34."

—"New Eng.: Board of Trade," in *Pub. Record Office*, vol. 40, p. 14.

"Report of F. Fane on An Act of Assembly 24 Nov. 1731.

To the Right Honourable the Lords Commissioners for Trade and Plantations

My Lords—in obedience to your Lordships commands signified to me by M<sup>r</sup> Popple desiring my opinion in point of Law, whether a Clause in an Act passed in the Massachusetts Bay in 1692 and which clause was afterwards repealed by a Temporary Act passed there in the thirteenth year of the late King did upon the expiration of the said Temporary Law revive again—I am humbly of opinion that upon the expiration of the last Act the first Clause revived again, and I apprehend that has been determined to be the constant construction in cases of the like nature here. Which is humbly submitted to your Lordships great wisdom.

I am My Lords Your Lordships most obed<sup>t</sup> humble Serv<sup>t</sup>

FRAN: FANE

24 Nov<sup>r</sup> 1731."

—*Ibid.*, vol. 18, Z. 263.

"WHITEHALL, Wednesday Nov<sup>r</sup> 24<sup>th</sup> 1731.

At a Meeting of His Maj<sup>ty</sup>s Commrs for Trade and Plantations Present M<sup>r</sup> Dominique M<sup>r</sup> Pelham M<sup>r</sup> Brudenell

M<sup>r</sup> Fane's Report upon a matter stated to him, Whether by the expiration of the Act pass'd in the Massachusetts Bay in the 13<sup>th</sup> year of King George the 1<sup>st</sup> for enlarging the pay of the Members of the Great & General Court of this Province &c mentioned in the act pass'd in 1731 in addition to an Act intituled an Act for ascertaining the number of and regulating the House of Representatives the Act pass'd in 1692 for ascertaining the number & regulating the House of Representatives did not totally revive, mentioned in the Minutes of the 12<sup>th</sup> Inst. being read, the Board gave directions for preparing the Draught of a Representation for confirming the seventeen Acts pass'd in this Province in 1731 read the 11<sup>th</sup> and 12<sup>th</sup> Inst. & for repealing the aforementioned Act pass'd at the same time."

—*Pub. Rec. Office*: "Trade papers (Journals)" vol. 35, p. 291.

"WHITEHALL, Wednesday, December 8<sup>th</sup> 1731

At a Meeting of His Maj<sup>ty</sup>s Commrs for Trade and Plantations Present M<sup>r</sup> Pelham. Sir O. Bridgeman M<sup>r</sup> Brudenell

M<sup>r</sup> Wilks the Agent for the Massachusetts Bay attending, the Board took again into con-

sideration the Act passed in that Province in 1730 Entitled an Act in addition to an Act entitled an Act for ascertaining the number and regulating the House of Representatives, and acquainted Mr Wilks that this Act had been passed upon a supposition that the 1<sup>st</sup> Clause in the Act of the 4<sup>th</sup> of King William & Queen Mary Entitled an Act for ascertaining the number & regulating the House of Representatives, obliging every Town containing 40 Families to elect & send a Representative which was repealed by the Act pass'd in the 13<sup>th</sup> year of the late King for enlarging the pay of the Members of the Great & General Court or Assembly of this Province & for regulating the several Towns therein as to their choice of Representatives and for Repealing one Clause in a former Act relating to them was void and of no effect, but that the repealing Act being now expired the first Clause in the Act of King William was again revived and in full force And that therefore the Act passed in 1730–1 was not proper to be confirm'd, And the rather since it made some alterations in the Act of the 4<sup>th</sup> of King William and Queen Mary which had been confirm'd by the Crown.

Mr Wilks then said that as the Province increased in the number of their Towns & Inhabitants, they thought there was no occasion to oblige every Town having 40 Families to send a Representative according to the aforement<sup>d</sup> Act of King William And therefore they had oblig'd by the present Act every Town of 80 Families to send a Representative which would be easing the smaller Towns of a great charge. But the Board acquainted Mr Wilks that if the Assembly thought an Act to this purpose would be of service to the Province, they must either have the King's leave for passing it, or must insert the suspending Clause, that His Majesty's pleasure may be known before any such Act should take place. Mr Wilks being withdrawn the Draught of a Report order'd to be prepar'd the 24<sup>th</sup> of the last month upon the Massachusetts Acts was agreed and order'd to be transcribed." \* \* \* \*

—*Ibid.*, p. 313.

Two years later, Dec. 6, 1733, the committee, of the Privy Council, for plantation affairs made a report upon this act, from which it appears that the act had, in the mean time, been submitted to the Attorney- and Solicitor-General. Thereupon the following order was passed, in accordance with the recommendation of the committee and the opinion of the law officers of the Crown:—

"At the Court at St. James's the 10<sup>th</sup> of January 1733–4 Present the King's most Excellent Maj<sup>y</sup> in Council

Upon reading at the Board a Report from the Right Hon<sup>ble</sup> the Lords of the Committee of Council for Plantation Affairs dated the 6<sup>th</sup> of last Month in the words following viz:—

"Your Majesty having been pleased to refer unto this Committee a Report made by the Lords Commissioners for Trade and Plantations upon considering An Act past in the Province of the Massachusetts Bay in April 1731 entitled An Act in addition to an Act entitled an Act for ascertaining the number and regulating the House of Representatives The Lords of the Committee have taken the said Report and Act into their consideration and have received the opinion of Your Majesty's late Attorney and Solicitor General upon the said Act and have also heard Council upon the petition of Francis Wilks Agent of the said Province of the Massachusetts Bay in support of the said Act And their Lordships beg leave humbly to inform Your Majesty that the reason for passing this Act as set forth in the Preamble of it is, That by an Act made and passed in the 13<sup>th</sup> year of His late Majesty King George entitled An Act for enlarging the Pay of the Members of the Great & General Court or Assembly of this Province, the first clause in the Act for ascertaining the number & regulating the House of Representatives made in the 4<sup>th</sup> year of King William and Queen Mary enjoy<sup>ing</sup> each Town within this Province having forty families to send a Person to represent them in the General Court was repealed and made null and void, and that no provision is made by Law to oblige any Town to send a Representative, which may be found inconvenient; Upon which the Lords of the Committee do humbly report to Your Majesty that the above mentioned Act of the 13<sup>th</sup> of his late Majesty which repealed the said first clause in the said Act of King William & Queen Mary appears to this Committee to have been only a temporary Law and to be now expired, And that upon the expiration thereof it is their Lordships opinion that said first Clause in the Act of King William and Queen Mary did revive again & is now in force—As this entirely destroys the reason given for this new Act Their Lordships humbly propose that Your Majesty would be pleased to signifye your disallowance of the said New Act."

His Majesty this day took the said Report into his Royall consideration and was pleased with the advice of His Privy Council to approve thereof and to declare his disallowance of the said Act and pursuant to His Majesty's Royall pleasure thereupon exprest, the said Act is hereby repealed declared void & of no effect; Whereof the Governor or Commander in Chief of His Majesty's Province of the Massachusetts Bay for the time being, and all others whom it may concern, are to take notice and govern themselves accordingly

A true copy

W. SHARPE.

[Indorsed] Rec<sup>d</sup> June 1<sup>st</sup> Read Dec<sup>r</sup> 20<sup>th</sup> 1734 "

—*New Eng. : Board of Trade,* in *Pub. Rec. Office*, vol. 21, B. b. 16

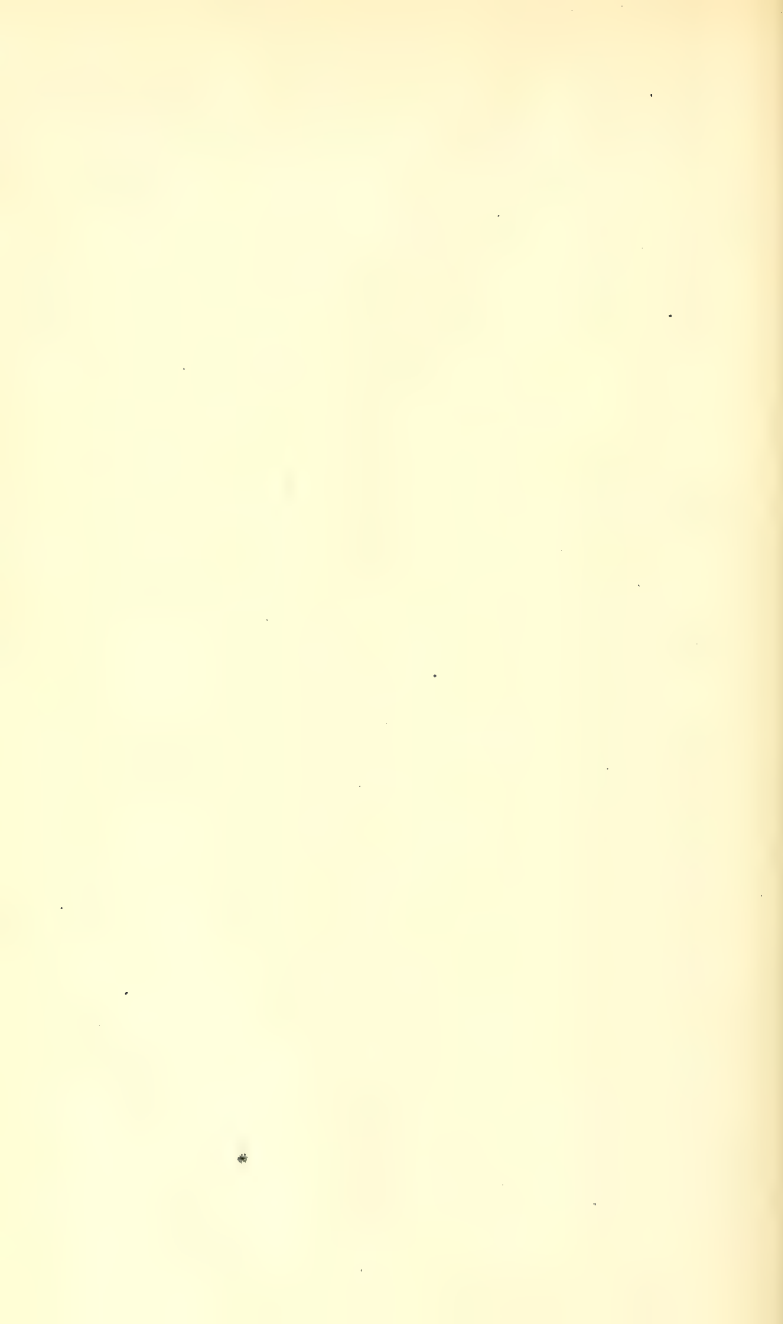
Chap. 17.—"Therefore to avoid the afore<sup>d</sup> Inconveniences, and that the Treasury may be furnished with money for the necessary Support of this Government for the present; Hoping that by an humble application this House have agreed Shall be addressed to His Most Excellent Majesty, His Loyall and Dutiful Subjects the Represent<sup>es</sup> will not be Deprived of a priviledge, they humbly presume they have so just a Claim to, and which they apprehend by being Continued in the practice of will tend to the Safety & flourishing Estate of this Province,—This House therefore (tho with much reluctance) have passed the present Supply of the Treasury, and Sent up to the Board for their Concurrence.—*Protest of the House April 22, 1731 : Council Records*, vol. XV. p. 71.—See note to 1733–34, chap. 7, post.

\* *Sic.*

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ACTS,  
PASSED 1731-32.

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# ACTS

PASSED AT THE SESSION BEGUN AND HELD AT BOSTON,  
ON THE TWENTY-SIXTH DAY OF MAY, A.D. 1731.

## CHAPTER 1.

### AN ACT FOR THE BETTER REGULATING SWINE.

*Be it enacted by His Excellency the Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

[SECT. 1.] That from and after the first day of July next, no swine shall be suffered to go at large, or [to] be out of the inclosure of the owner thereof, under the penalty of one shilling, for each swine, for the first offence, and two shillings for the second offence, together with costs of prosecution, to be forfeited and paid by the owner of such swine found going at large, as aforesaid; w[hi]ch fine or forfeiture, together with the charge of prosecution, may be recovered by the proper hog-reves, or any other person, by bill, plaint or information, before any one of his majesty's justices of the peace, in such county where such forfeiture shall arise, or by impounding such swine, and proceeding with them as the law hath directed in the case of impounding.

*And whereas* it may so happen that the owner of such swine as go at large may not be known,—

[SECT. 2.] In such case, the party that finds any swine going at large shall have power to impound them; and if no owner appear within forty-eight hours, or appearing, do neglect or refuse to pay the forfeiture, together with the charges, that then the party impounding them shall cause them to be cried, or posted up, in the town where they are impounded and in the two towns next adjoining; and shall likewise cause the marks of the swine to be enter[c]d with the town clerk, and shall relieve such swine during the time they are in pound; and if no owner appear and pay the said penalty and charges within ten days after such impounding, then such swine shall be sold, at an outcry, to the highest bidder, by two suitable persons, to be appointed and sworn to the faithful discharge of their trust by the next justice of the peace, or town clerk, where no justice dwells, w[hi]ch sellers shall give publick notice of the time and place of such sale, twenty-four hours beforehand, and out of the proceeds of such sale shall pay unto the party the said forfeiture and costs, as by bill allowed by said justice or town clerk, and the surplussage thereof he shall deliver to the treasurer of such town, to be kept for the unknown owner; and if no owner do appear within the space of one year, then the town treasurer shall deliver the one-half of the said surplussage to the prosecutor, and the other half to the overseers of the poor, for the use of the poor of such town.

No swine to go at large.

Swine going at large to be impounded.

No owner appearing, &c., swine to be sold.



*Provided, nevertheless,*

Proviso.

[SECT. 3.] That it shall be in the power of any town, in a town meeting for that purpose appointed, by a vote, to give liberty for swine going at large within the bounds of such town; and in such case it shall be lawful for any and every person or persons to suffer his or their swine to go at large; anything in this act before contained to the contrary notwithstanding. *Provided, always,* that every person suffering his swine to go at large by virtue of such town vote, shall, before he suffer his swine to go at large as aforesaid, cause each of them to be well and sufficiently yoked, and ringed in the nose, and constantly kept so ringed and yoked; otherwise he shall be liable to and shall pay the forfeiture and cost, as is by this act beforementioned and provided; saving that they may go unyoked from the last day of October to the first day of April.

And to the intent all persons may know what a sufficient yoking doth mean,—

*It is hereby declared,*

Bigness of the yoke.

[SECT. 4.] That no yoke shall be accounted sufficient, which is not the full depth of the swine's neck, above the neck, and half so much below the neck, and the sole or bottom of the yoke three times as long as the breadth or thickness of the swine's neck.

And for the rendering this act more effectual,—

*Be it further enacted by the authority aforesaid,*

Hogreves to be chosen in March meeting.

[SECT. 5.] That every town within this province, at their annual meeting, in March, to choose town officers, shall choose two or more hogreves, but not the same persons more than once in four years, whose duty it shall be, upon view or complaint made of any offence against this act, to take care that it be duly observed, and to prosecute the breakers thereof; who shall be sworn to the faithful discharge of their office. And any of the said hogreves, or other person that shall prosecute any breach of this act, shall be allowed to be a legal witness.

Hogreeve or prosecutor to be a legal witness.

[SECT. 6.] And if any person so chosen to the office of hogreeve shall refuse or shall neglect forthwith to be sworn as aforesaid, or neglect his duty in said office, he shall forfeit and pay twenty shillings, to the use of the poor of such town; and upon his refusal, another shall forthwith be chosen in his room, to be under the like penalty, and so till others will accept the said service, w[hi]ch penalty shall be recovered by a prosecution before one of his majesty's justices of the peace in the county where such person dwells.

Penalty for refusal and neglect of duty.

[SECT. 7.] And if any town shall neglect to ch[oo]se such officers at their town meeting in March, annually, or, on a refusal, to choose others until a suitable number accept, they shall forfeit and pay the sum of twenty pounds for each neglect; the one-half to his majesty, for and towards the support of the governm[en]t, the other half to him that shall prosecute for such neglect, in any of his majesty's courts of record with in this province.

*Provided,*

Proviso.

[SECT. 8.] That this act shall not extend to any town scituate to the eastward of the town of Wells, nor continue in force any longer than five years. [*Passed June 11; published August 18.*]

## CHAPTER 2.

## AN ACT FOR THE BETTER CURING AND CULLING OF FISH.

WHEREAS fish is one of the principal staple commodities of the pro- Preamble.  
duction of this place for exportation, and there have been many defects  
in the curing and culling of the same, by many persons, for particular in-  
terest, to the great loss of those that have owned it after ship'd; and that  
sometimes by reason that the shoreman or maker of the fish (who has not  
taken effectual care to see that it was good and thoroughly cured), and  
sometimes by reason of the too great forwardness of the buyers of the  
fish, and masters of vessels to get their lading of fish, who do take upon  
them, in time of scarcity of fish, to receive and house or ship merchant-  
able and refuse fish before it has been a reasonable time asho[a]r[e], or  
well and sufficiently dried and cured, so as to be fit to ship off to a  
market, whereby the said commodity has proved bad and dammified  
when got to a market, and so has brought disgrace and disreputation  
on the fish of this countr[e]y: for remedy whereof for the future.—

*Be it therefore enacted by His Excellency the Governour, Council and  
Represent[at]ives in General Court assembled, and by the authority of  
the same,*

[SECT. 1.] That from and after the publication of this act, no cod-  
fish brought in and delivered to any sho[a]r[e]man or others to be cured  
in order to be sold and exported to any for[r]eign market, from the  
twentieth of October to the tenth of March, shall be exposed to sale,  
until such fish has been asho[a]r[e] and wash'd out at least two months,  
on penalty of forfeiting all such fish so exposed to sale, or the value  
thereof.

Time for fish to  
be ashore and  
washed out.

*And be it further enacted,*

[SECT. 2.] That no fish brought in and delivered as aforesaid, from  
the tenth of March to the twentieth of October, shall be exposed to  
sale until such fish hath been on sho[a]r[e] and wash'd out thirty  
days, at the least, under the penalty aforesaid; and all fish that shall be  
ship'd on board any ship or vessel as dry fish, or bought and received,  
and sold and delivered, to be carried out of the province for a market  
or otherwise, shall be thoroughly cured and dried, both merchantable,  
middling and refuse cod, and also all scale fish that shall be so ship'd,  
on the penalty of ten pounds to be paid by the seller, and ten pounds  
by the buyer.

Penalty for  
selling or buy-  
ing fish not  
well cured.

*And be it further enacted by the authority aforesaid,*

[SECT. 3.] That the cullers that now are, or hereafter shall be chosen  
to cull fish, shall take effectual care that all merchantable fish has  
been thoroughly wrought in the pile, well made and thoroughly dried  
and cured, and that they shall not pass the cull on it until it be so cured  
and dried as aforesaid.

Duty of cullers.

*And be it further enacted,*

[SECT. 4.] That no person whatsoever shall presume to ship any  
merchantable fish for a forreign market, till it be pass'd as such by the  
sworn culler, on penalty of forfeiting the same, or the value thereof;  
and also the master of any ship or vessel, or any receiver for him that  
shall receive on board such ship or vessel, to be transported out of the  
province, any merchantable fish for a for[r]eign market before it has  
pass'd the cull, as by this act is provided, shall forfeit and pay five shil-  
lings for every quintal so received or suffered to be received on board  
before culled.

Penalty for  
shipping fish  
not culled.

Bargains for  
fish to be com-  
plied with.

*And be it further enacted by the authority aforesaid,*

[SECT. 5.] That if any merchant or other person or persons shall agree with any sho[a]r[e]man, or any other person or persons, for his load of fish, or other smaller quantity for exportation, and such agreem[en]t made before two sufficient witnesses, or a memorandum in writing sign'd by the parties, such sho[a]r[e]man or owner of such fish shall not dispose of the fish so sold or agreed for, to any other person whatsoever, under the penalty of ten shillings for each quintal, to be paid to the merchant or buyer; and that all fish so sold and agreed for, being well cured and ready to pass the cull, by a sworn culler appointed for that purpose, and the same being tendered by the owner of such fish to the merchant or purchaser thereof, such merchant or purchaser of said fish shall be and hereby is obliged to receive the same according to the agreem[en]t made; and in case of his refusal, shall forfeit and pay to the owner of such fish, ten shilling per quintal.

Penalty.

*And be it further enacted,*

Appointment  
of cullers.

[SECT. 6.] That the justices of the court of general sessions of the peace in each county within this province, shall be and hereby are empowered to appoint suitable and meet persons in every town or place within their respective counties where fish is cured and dried, and that at their sessions immediately after the first day of June, yearly. And the selectmen of each town where the fishing trade is carried on, shall present a list of suitable persons for cullers, which shall contain twice so many as they shall judge necessary for that office, out of which list the justices shall appoint a fit number; and it shall be in the power of the merchant or buyer of fish to chuse his culler or cullers out of the number appointed as aforesaid, in the town where the fish is. And all cullers shall deliver a certificate to the merchant or master of all merchantable fish culled by them and put on board his ship or vessel; and in case there should arise any difference between the buyer and seller relating to the culling of fish, it shall be decided by two other sworn cullers, one to be chosen by the seller, [and] the other by the buyer, together with the former culler, two of which agreeing shall determine that matter.

Buyer to choose  
his culler.

In case of dif-  
ference, how to  
be determined.

Culler's oath.

[SECT. 7.] And all the cullers of fish so chosen by the general sessions of the peace for such town or place respectively, shall, in discharge of their trust, every of them, take the following oath before the court of general sessions of the peace, or before one or more justices of the peace, and a certificate of the persons being sworn to be returned to the clerk of the sessions; viz.,—

I, A. B., do swear that I will faithfully and impartially, to the best of my judg[m]en[t] perform the duty and office of a culler of fish, for the year ensuing, and until another be appointed and sworn in my room; and that I will always have a regard to the particular directions of the act for the better regulating the curing and culling of fish So help me God.

*And be it further enacted,*

No person to  
cull without  
being sworn, on  
penalty.

[SECT. 8.] That if any person or persons whatsoever shall presume to cull merchantable fish for shipping off for a for[r]eign market, who is not a sworn culler as by this act is appointed, he shall forfeit and pay [*the sum of*] five pounds for every parcel of fish he shall so cull; the one half to the poor of the place where the offence shall be committed, and the other half to the sworn culler or cullers of the said town or place, or any other person or persons who shall inform and sue for the same.

*And be it further enacted by the authority aforesaid,*

Eate for culling.

[SECT. 9.] That the culler of fish shall receive for his service one pen[n]y for each quintal of fish that shall be culled by him; one half

thereof to be paid by the buyer, and the other half by the seller; and in case any sworn culler shall, directly or indirectly, receive any bribe or gratuity from any party, or any other person or persons, such sworn culler, being convicted thereof, shall forfeit and pay the sum of twenty pounds.

Penalty in case of bribery.

*And be it further enacted,*

[SECT. 10.] That it shall be lawful for any sworn culler to go on any place where fish is cured, to cull it; and if any owner or curer of fish shall refuse to let any lawful culler go to his rock or place of curing fish, to cull it, if desired by the purchaser or shipper of fish, he shall forfeit and pay the sum of five pounds for every parcel of fish that he shall refuse to suffer to be culled by such indifferent culler; and he shall not be allowed to confine the culling of his fish to any particular culler that he himself shall chuse.

Penalty for hindering sworn cullers.

*And be it further enacted by the authority aforesaid,*

[SECT. 11.] That no merchant or master or other person shall ship any other, than codfish, on board any ship or vessel that loads merchantable fish, than what is merchantable, unless the said master make oath before the impost officer, at his clearing with him, of what quantities of middling or refuse codfish he had taken or ship'd on board said vessel for himself or any other person; and the impost officer is hereby ordered not to clear any ship or vessel laden with fish, until the master has made oath as aforesaid.

Oath to be made of middling and refuse codfish shipped.

*And be it further enacted,*

[SECT. 12.] That all forfeitures and penalties arising by force and vertue of this act (not otherwise disposed of therein), shall be one half to the poor of the place where the offence shall be committed, and the other half to the informer, or to him or them that shall sue for the same in any of his majesty's courts of record within this province; any law, usage or custom to the contrary notwithstanding.

Disposition of the forfeitures

[SECT. 13.] This act to continue and be in force for the space of five years from the publication thereof, and no longer. [Passed June 11; published August 18.]

Limitation.

## CHAPTER 3.

### AN ACT FOR ENCOURAGING THE KILLING OF WILDCATS.

WHEREAS there hath been of late, in several places within this province, great mischiefs and damages done by certain beasts of prey, called wildcats, killing and devouring sheep, lambs and other useful and profitable creatures,—

Preamble.

*Be it enacted by His Excellency the Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

[SECT. 1.] That from and after the publication of this act, when any person or persons shall kill any wildcat within this province, and bring the body thereof unto the constable of the town in which such wildcat shall be killed, or to the constable of the town next adjacent to the place where such wildcat was killed (if it be without the bounds of any township), the constable, in the presence of one or more of the selectmen, shall cut both ears from off the head of such wildcat; and such selectman or selectmen and constable shall give the party a receipt for the said wildcat, expressing whether it be, in their judg<sup>e</sup>m<sup>e</sup>nt, a year old or under; and upon producing such receipt, the party shall be paid and allowed, by the selectmen or treasurer of such town, out of

Method to be taken upon the killing of wildcats.



the town stock, the sum of twenty shillings for every wildcat of one year old or upward[s], and the sum of ten shillings for every wildcat under that age, in the judg[e]m[en]t of the selectman or selectmen and constable before whom the same shall be brought, as aforesaid.

Premium for killing of wildcats to be paid by the treasurer of the province.

[SECT. 2.] And all such payments so made shall be allowed by the treasurer and receiver-general of the province, upon his receiving a certificate under the hands of the major part of the selectmen in such town, and town treasurer (where any such be), or town clerk; w[hi]ch certificate shall be in the following form; viz.,—

Form of the certificate.

This may certify, that there has been paid out of the town stock of A, for grown wildcats, and wildcats under a year old, in or near this town, since the day of past, and the heads thereof brought unto the constables of the said town, and the ears cut off in presence of us, as is directed in the act for encouraging the killing of wildcats, and so certified unto us, in the whole, the sum of                     , w[hi]ch sum we desire you to allow unto the said town by disco[un] [mp]ting the same to B. C., constable, out of the publick assessment committed to him to collect in the said town, Dated in A., aforesaid, the day of                     , 17

{ <sup>(1)</sup> Selectmen, <sup>(2)</sup> Town Treas[ure]r  
or <sup>(3)</sup> Town Clerk,

To the Province Treasurer.

And be it further enacted by the authority aforesaid,

Towns empowered to assess inhabitants for said premium.

[SECT. 3.] That the selectmen of each town, respectively, shall be, and hereby are sufficiently authorized and empowered to assess the inhabitants of their town, yearly, in due proportion, as near as they can, such sum and sums as they shall judge necessary to answer the payments to be made out of the town stock, as aforesaid, together with other charges of the town, and to cause the same to be collected in manner as is by law directed for the gathering of town rates.

Limitation.

[SECT. 4.] This act to continue and be in force five years from the publication thereof, and no longer. [Passed June 11; published August 18.]

## CHAPTER 4.

AN ACT FOR APPORTIONING AND ASSESSING A TAX OF SIX THOUSAND EIGHT HUNDRED AND EIGHTEEN POUNDS; AND FOR ASSESSING A TAX OF TWENTY POUNDS LAID ON THE TOWN OF WESTOWN FOR NOT SENDING A REPRESENTATIVE; AND ALSO FOR APPORTIONING AND ASSESSING ONE OTHER TAX OF FOUR THOUSAND ONE HUNDRED AND NINE POUNDS SIX SHILLINGS, PAID THE REPRESENTATIVES FOR THE YEAR 1730–31; AND A FURTHER TAX OF ONE THOUSAND POUNDS EMITTED AND APPROPRIATED FOR THE PAYMENT OF HIS MAJESTIE'S COUNCIL IN THIS PRESENT YEAR, 1730–31.

WHEREAS the great and general court or assembly of the province of the Massachusetts Bay in New England, at their session, begun and held at Boston on Wednesday, the thirty-first of May, 1721, and continued by adjournment to Cambridge, unto the sixth day of June following, did pass a grant of tax on polls and estates, for the sum of five thousand pounds;\* and at their session held at Boston upon Wednesday, the twenty-third day of November, 1725,† did pass one other grant of a tax on polls and estates, for the further sum of ten thousand pounds; and at their session begun and held at Boston on Wednesday, the twenty-fifth day of May, 1726,‡ did pass one other

\* NOTES to 1721, resolve (a.) † NOTES to 1725–26, resolve (b.) ‡ NOTES to 1726–27, resolve (a.)



grant of a tax on polls and estates for the further sum of five thousand pounds; and at their session begun and held at Boston on Wednesday, the tenth day of February, 1730, did pass one other grant of a tax on polls and estates, for the further sum of one thousand pounds, for the payment of his majesty's council, and two thousand five hundred pounds more for the pay of the representatives, which, with the impost and excise, was to be a fund or security for payment and drawing in the sum of twenty-three thousand and five hundred pounds in bills of credit on this province ordered to be issued out of the public treasury for the service of the government on the abovementioned years, and applied to the ends and uses in the said grants particularly enumerated and expressed by the resolves of the courts that made the same; it was ordered that the aforesaid sum of twenty-three thousand and five hundred pounds should be apportioned, assessed and levied on polls, and estates both real and personal, within this province, according to such rules and in such proportion, upon the several towns and districts within this province, as shall be agreed on and ordered by the court this present year; *wherefore*, for the ordering, directing, perfecting and calling in the aforesaid sum of twenty-three thousand and five hundred pounds, it is hereby agreed and ordered, that there shall be a tax of seven thousand eight hundred and thirty-eight pounds levied and assessed on polls, and estates real and personal, on the several towns within this province, in such proportion as is in this act hereafter expressed, which said sum of seven thousand eight hundred and thirty-eight pounds, together with the duties of impost, tunnage of shipping, and also the excise and income of bills let out, and the light-house, amounting to the sum of eleven thousand five hundred and fifty-two pounds fourteen shillings, which, together with the sum of four thousand one hundred and nine pounds six shillings, to be paid into the treasury by the towns for what was paid their respective representatives, will make up the sum of twenty-three thousand and five hundred pounds, pursuant to the grants and funds afores<sup>d</sup>, which are unanimously approved, ratified and confirmed; we, his majesty's most loyal and dutiful subjects, the representatives in general court assembled, pray that it may be enacted,—

*And be it accordingly enacted by His Excellency the Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

[SECT. 1.] That each town and district within this province be assessed and pay, as such town's and district's proportion of the afores<sup>d</sup> sum of seven thousand eight hundred and thirty-eight pounds, the several sums following; that is to say,—

## IN THE COUNTY OF SUFFOLK.

	RECEIVED BY THE REPRESENTATIVES.	£156	6s. 0d.	PROVINCE TAX.	SUM TOTAL.	
					£1,480	0s. 0d.
Boston.	One hundred fifty-six pounds six shillings.	31	10 0	One thousand four hundred and eighty pounds.	72	2 8
Roxbury.	Thirty-one pounds ten shillings.	40	10 0	Seventy-two pounds two shillings and eightpence.	103	12 8
Dorchester.	Forty pounds ten shillings.	49	10 0	Sixty-nine pounds fifteen shillings and fourpence.	110	5 4
Lincoln.	Forty-nine pounds ten shillings.	48	6 0	Eighty-two pounds seventeen shillings and fourpence.	82	17 4
Barnsey.	Forty-eight pounds six shillings.	48	6 0	Seventy-three pounds twelve shillings.	73	12 0
Bedham.	Forty-eight pounds six shillings.	48	6 0	Fifty-three pounds six shillings and eightpence.	53	6 8
Medfield.	Forty-eight pounds sixteen shillings.	48	18 0	Thirty-eight pounds ten shillings and eightpence.	38	10 8
Medway.	Forty-six pounds sixteen shillings.	46	16 0	Twenty-four pounds seven shillings and fourpence.	24	7 4
Wymouth.	Forty-three pounds sixteen shillings.	43	16 0	Fifty-one pounds twelve shillings.	51	12 0
Milton.	Forty-five pounds, including Ephraim Tucker's arrears, being £4 10s.	45	0 0	Forty pounds eleven shillings and fourpence.	40	11 4
Hull.	Forty-seven pounds seventeen shillings.	47	17 0	Seventeen pounds eleven shillings and fourpence.	17	11 4
Norwich.	Ten pounds seven shillings.	10	7 0	Forty-six pounds sixteen shillings and eightpence.	46	16 8
Bellingham.	.	0	0 0	Twenty-nine pounds.	29	0 0
Walpole.	.	0	0 0	Forty pounds nineteen shillings and fourpence.	40	19 4
Stoughton.	Twenty-two pounds nineteen shillings.	22	19 0	Twelve pounds five shillings and fourpence.	12	5 4
Brooklyn.	Thirteen pounds sixteen shillings.	13	16 0	Forty-three pounds two shillings and eightpence.	43	2 8
				Twenty-six pounds eighteen shillings and eightpence.	26	18 8

## IN THE COUNTY OF ESSEX.

		£90	6s. 0d.		SUM TOTAL.	
					£208	14s. 8d.
Salem.	Ninety pounds six shillings.	87	18 0	Two hundred and eight pounds fourteen shillings and eightpence.	208	0 8
Ipswich.	Eighty-seven pounds eighteen shillings.	99	6 0	Two hundred and eight pounds and eightpence.	177	3 4
Newbury.	Ninety-nine pounds six shillings.	44	8 0	One hundred seventy-seven pounds three shillings and fourpence.	86	16 0
Marblehead.	Forty-four pounds eight shillings.	32	18 0	Eighty-six pounds sixteen shillings.	99	2 0
Lynn.	Thirty-two pounds eighteen shillings.	61	0 0	Ninety-nine pounds two shillings.	77	8 0
Andover.	Fifty-one pounds.	34	4 0	Seventy-seven pounds eight shillings.	69	8 8
Beverly.	Forty-four pounds four shillings.	46	4 0	Sixty-nine pounds eight shillings and eightpence.	65	5 4
Rowley.	Forty-six pounds four shillings.	62	10 0	Sixty-five pounds five shillings and fourpence.	65	19 4
Salisbury.	Fifty-two pounds ten shillings.	62	4 0	Sixty-five pounds nineteen shillings and fourpence.	91	1 4
Haverhill.	Fifty-two pounds four shillings.	51	12 0	Ninety-nine pounds one shilling and fourpence.	39	4 0
Gloster.	Fifty-one pounds twelve shillings.	50	8 0	Thirty-one pounds four shillings.	33	0 8
Topsfield.	Forty pounds eight shillings.	45	0 0	Thirty-three pounds and eightpence.	78	12 0
Bosford.	Forty-five pounds.					

Ambury.	Fifty-two pounds ten shillings.	£52 10s. 0d.	Sixty-three pounds two shillings.	£63 2s. 0d.	£115 12s. 0d.
Bacford.	Seventeen pounds eleven shillings.	17 11 0	Thirty-six pounds sixteen shillings and eightpence.	36 16 8	54 7 8
Wendham.	Forty-four pounds eighteen shillings.	44 18 0	Twenty-one pounds sixteen shillings.	21 16 0	76 10 0
Maulchester.	• • • • •	0 0 0	Thirteen pounds seventeen shillings and fourpence.	13 17 4	21 16 0
Methuen.	• • • • •	0 0 0	• • • • •	15 0 0	15 0 0
Middleton.	• • • • •	0 0 0	• • • • •	• • • • •	• • • • •

## IN THE COUNTY OF MIDDLESEX.

		£39 6s. 0d.		£60 10s. 8d.	£99 16s. 8d.
<b>Cambridge.</b>	<b>Thirty-nine pounds six shillings.</b>		<b>Sixty pounds ten shillings and eightpence.</b>		
Charlestown.	Seventy-eight pounds twelve shillings.	78 12 0	One hundred & thirty-three pounds thirteen shillings and fourpence.	133 13 4	212 5 4
Watertown.	Thirty-five pounds two shillings.	35 2 0	Seventy pounds ten shillings.	70 10 0	105 12 0
Concord.	Forty-eight pounds eighteen shillings.	48 18 0	Eighty pounds.	80 0 0	128 18 0
Weston.	Forty-four pounds eight shillings.	44 8 0	Thirty-one pounds six shillings and eightpence; fine, £20.	51 6 8	95 11 8
Walourm.	Forty-seven pounds two shillings.	47 2 0	Sixty-six pounds nine shillings and eightpence.	66 9 8	113 11 8
Reading.	Forty-seven pounds eight shillings.	47 8 0	Fifty-eight pounds fifteen shillings and fourpence.	58 17 4	105 19 4
Sudbury.	Forty-seven pounds eight shillings.	47 8 0	Sixty-seven pounds fifteen shillings and sevenpence.	67 15 7	115 3 7
Marlborough.	Forty-five pounds.	45 0 0	Fifty-four pounds six shillings.	54 6 0	101 14 0
Lexington.	Forty-five pounds six shillings.	45 6 0	Forty-four pounds twelve shillings.	44 12 0	89 12 0
Newtown.	Forty-one pounds six shillings.	39 6 0	Fifty pounds nine shillings and fourpence.	50 9 4	92 3 4
Malden.	Forty-four pounds fourteen shillings.	44 14 0	Forty-five pounds thirteen shillings and eightpence.	45 13 8	90 7 8
Chelmsford.	Forty-six pounds six shillings.	46 6 0	Twenty-five pounds ten shillings and a penny.	25 10 1	90 16 1
Billerica.	Forty-five pounds twelve shillings.	45 12 0	Twenty pounds.	20 0 0	70 14 0
Stow.	Forty-nine pounds ten shillings.	49 10 0	Forty-eight pounds sixteen shillings and threepence.	48 16 3	98 6 3
Frammingham.	Forty-six pounds ten shillings.	46 10 0	Fifty-one pounds and eightpence.	51 0 8	97 10 8
Medford.	Thirty-six pounds eighteen shillings.	36 18 0	Twenty-four pounds two shillings.	24 2 0	61 0 0
Dunstable.	• • • • •	0 0 0	Twenty-eight pounds thirteen shillings and a penny.	28 13 1	61 0 0
Dracut.	• • • • •	0 0 0	Fifteen pounds thirteen shillings and fourpence.	15 13 4	18 13 4
Stonham.	Twenty-two pounds four shillings.	22 4 0	Seventeen pounds eight shillings and eightpence.	17 8 8	40 2 8
Littleton.	• • • • •	0 0 0	Twenty-three pounds fourteen shillings.	23 14 0	33 14 0
Hopkinton.	• • • • •	0 0 0	Twenty pounds eighteen shillings.	20 18 0	12 18 0
Bedford.	• • • • •	0 0 0	Nineteen pounds six shillings and threepence.	19 6 3	20 13 3
Westford.	• • • • •	0 0 0	Sixteen pounds five shillings.	16 5 0	16 5 0
Wilmington.	• • • • •	0 0 0	• • • • •	• • • • •	• • • • •

## IN THE COUNTY OF HAMPSHIRE.

	RECEIVED BY THE REPRESENTATIVES.	PROVINCE TAX.		SUM TOTAL.
		£78	6s. 0d.	£170 0s. 0d.
Springfield, .	Seventy-eight pounds six shillings, .	60	0 0	65 2 8
Northampton, .	Sixty pounds, .	47	14 0	125 2 8
Hadley, .	Forty-seven pounds fourteen shillings, .	45	8 0	86 8 8
Hatfield, .	Forty-five pounds eight shillings, .	9	0 0	77 4 0
Westfield, .	Nine pounds, .	61	16 0	38 10 8
Suffolk, .	Sixty-one pounds sixteen shillings, .	22	4 0	54 0 0
Enfield, .	Twenty-two pounds four shillings, .	0	0 0	115 16 0
Deerfield, .	Twenty-one pounds, .	0	0 0	38 18 0
Sunderland, .	Twenty pounds, .	0	0 0	61 2 0
Northfield, .	Twenty pounds, .	0	0 0	20 9 4
Brimfield, .	Twenty pounds, .	0	0 0	11 2 0
				12 10 8
				13 6 8

## IN THE COUNTY OF WORCESTER.

		PROVINCE TAX.		SUM TOTAL.
		£44	14s. 0d.	£57 9s. 4d.
Worcester, .	Forty-four pounds fourteen shillings, .	46	10 0	62 16 8
Lancaster, .	Forty-six pounds ten shillings, .	23	11 0	36 0 0
Mendon, .	Twenty-three pounds eleven shillings, .	30	12 0	32 0 0
Woodstock, .	Thirty pounds twelve shillings, .	21	0 0	27 1 4
Brookfield, .	Twenty-one pounds, .	0	0 0	17 6 0
Southborough, .	Twenty-one pounds, .	0	0 0	13 19 4
Leicester, .	Twenty-one pounds, .	0	0 0	7 16 0
Rutland, .	Twenty-one pounds, .	0	0 0	13 19 4
Lancashire, .	Twenty-one pounds, .	0	0 0	7 16 0
Westborough, .	Twenty-one pounds, .	0	0 0	0 0 0
Shrewsbury, .	Twenty-one pounds, .	0	0 0	18 2 0
Oxford, .	Twenty-one pounds, .	16	1 0	14 14 0
Sutton, .	Twenty-one pounds, .	40	10 0	14 4 0
Uxbridge, .	Twenty-one pounds, .	0	0 0	24 10 0
				12 0 8

## IN THE COUNTY OF PLYMOUTH.

		PROVINCE TAX.		SUM TOTAL.
		£24	16s. 0d.	£77 15s. 4d.
Plymouth, .	Twenty-four pounds sixteen shillings, .	34	19 0	49 10 8
Plimpton, .	Thirty-four pounds nineteen shillings, .	47	14 0	84 9 8
Schnate, .	Forty-seven pounds fourteen shillings, .			103 5 4

	£47 11s. 0d.	£84 10s. 0d.	£132 4s. 0d.
Bridgewater, . . . . .	Forty-seven pounds fourteen shillings, . .		
Mas-sfield, . . . . .	Forty-two pounds twelve shillings, . .	61 2 0	103 14 0
Pendbrook, . . . . .	Thirty-five pounds fourteen shillings, . .	27 0 8	62 14 8
Dun-chorough, . . . . .	Thirty-eight pounds seventeen shillings, . .	32 2 0	70 19 0
Middleborough, . . . . .	Fifty pounds two shillings, . .	54 4 8	104 6 8
Rochester, . . . . .	Fifty-two pounds four shillings, . .	58 8 0	110 12 0
Alongton, . . . . .	. . . . .	24 4 0	24 4 0
Kingston, . . . . .	. . . . .	24 4 0	24 4 0
Hamover, . . . . .	. . . . .	23 14 0	23 14 0

## IN THE COUNTY OF BRISTOL.

	£50 8s. 0d.	£61 3s. 4d.	£111 11s. 4d.
Bristol, . . . . .	Fifty pounds eight shillings, . .		
Taunton, including Raynham, . . . . .	Forty-three pounds sixteen shillings, . .	103 14 8	147 10 8
Norton, . . . . .	Forty-one pounds two shillings, . .	36 1 4	77 3 4
Easton, . . . . .	. . . . .	13 10 8	13 10 8
Dartmouth, . . . . .	Forty-five pounds six shillings, . .	123 7 4	168 13 4
Dighton, . . . . .	Fifty pounds two shillings, . .	32 18 0	83 0 0
Rebelsod, . . . . .	Forty-eight pounds twelve shillings, . .	95 16 0	144 8 0
Little Compton, . . . . .	Thirty-three pounds, . .	68 18 8	101 18 8
Swanzy, . . . . .	Forty-five pounds twelve shillings, . .	78 4 8	123 16 8
Shewanet, . . . . .	Twenty-nine pounds two shillings, . .	37 13 4	66 15 4
Tiverton, . . . . .	Forty-three pounds four shillings, . .	29 18 0	73 2 0
Freetown, . . . . .	Forty pounds four shillings, . .	46 17 4	87 1 4
Att-borough, . . . . .	. . . . .	28 10 0	[28 10 0*]
Barrington, . . . . .	. . . . .		

## IN THE COUNTY OF BARNSTABLE.

	£42 12s. 0d.	£101 4s. 8d.	£143 16s. 8d.
Barnstable, . . . . .	Forty-two pounds twelve shillings, . .	62 2 8	81 0 8
Yarmouth, . . . . .	Eighteen pounds eighteen shillings, . .	64 17 4	102 7 4
Sundwich, . . . . .	Thirty-seven pounds ten shillings, . .		

\* Parchment destroyed.





*And be it further enacted by the authority aforesd.*

[SECT. 2.] That the treasurer do forthwith send out his warrants, directed to the selectmen or assessors of each town or district within this province, requiring them, respectively, to assess the sum hereby set upon such town and district in manner following; that is to say, to assess all ratable male polls above the age of sixteen years, at thirty-two pence per poll, and proportionably in assessing the additional sum received out of the treasury for the payment of the representatives (excepting the governour, lieutenant-governor and their families, the president, fellows and students of Harvard College, settled ministers and grammar-school masters, who are hereby exempted as well from being taxed for their polls, as for their estates being in their own hands and under their actual management and improvement), and other persons (if such there be), who thro' age, infirmity or extreme poverty, in the judgment of the assessors, are not capable of paying towards public charges, they may except their polls and so much of their estates as, in their prudence, they shall think fit and judge meet. And the justices in general sessions, in the respective countys assembled, in granting a county tax or assessment, are hereby ordered and directed to apportion the same on the several towns in such county, in proportion to their province rate, exclusive of what has been paid out of the public treasury to the representative of such town for his service; and the assessors of each town in the province are also directed, in making any assessment, to govern themselves by the same rule; and all estates, both real and personal, lying within the limits and bounds of such town or district, or next unto the same, not paying elsewhere, in whose hand, tenour, occupation or possession soever the same is or shall be found; and income by trade or faculty which any person or persons (except as before excepted) do or shall exercise in gaining, by money or other estate, not particularly otherwise assessed, or commissions of profit in their improvement, according to their understanding and cunning, at one penny on the pound; and to abate or multiply the same, if need be, so as to make up the sum hereby set and ordered for such town or district to pay; and in making up their assessments, to estimate houses and lands at six years' income of the yearly rents whereat the same may be set or reasonably let for or\* in the places where they ly: *saving* all contracts between landlord and tenant, and where no such contract is, the landlord to reimburse one-half the tax set upon such houses and lands; and to estimate Indian, negro and molatto servants or slaves, proportionably as other personal estate, according to their sound judgment and discretion: and also to estimate every ox of four years old and upwards, at forty shillings; every cow of three years old and upwards, at thirty shillings; every horse and mare of three years old and upwards, at forty shillings; every swine of one year old and upwards, at eight shillings; every sheep and goat of one year old and upwards, at three shillings: likewise requiring the assessors to make a fair list of the said assessment, setting forth in distinct columns, against each particular person's name, how much he or she is assessed at for polls, and how much for houses and lands, and how much for personal estate and income by trade or faculty; and the list or lists so perfected and signed by them, or the major part of them, to commit to the collectors, constable or constables of such town or district, and to return a certificate of the name or names of such collectors, constable or constables, together with the sum total to each of them respectively committed, unto himself, sometime before the last day of October next.

\* *Sic*, in the original.

[SECT. 3.] And the treasurer for the time being, upon the receipt of such certificate, is hereby impowered and ordered to issue forth his warrants to the collectors, constable or constables of such town or district, requiring him or them, respectively, to collect the whole of each respective sum, assessed on each particular person, before the last day of March next; and of the inhabitants of the town of Boston, to collect their proportion sometime in the month of January foregoing; and to pay in their collection, and issue the accompts of the whole, at or before the last day of May next, which will be in the year of our Lord one thousand seven hundred and thirty-two.

*And be it further enacted by the authority afores<sup>d</sup>,*

[SECT. 4.] That the assessors of each town and district, respectively, in convenient time before their making the assessment, shall give seasonable warning to the inhabitants, in a town meeting, or by posting up notifications in some place or places in such town or district, or otherwise to notify the inhabitants to give or bring in to the said assessors true and perfect lists of their polls and ratable estates; and if any person or persons shall neglect or refuse so to do, or bring in a false list, it shall be lawful to and for the s<sup>d</sup> assessors to assess such person or persons, according to their known ability in such town, in their sound judgment and discretion, their due proportion to this tax, as near as they can, agreeable to the rules herein given; under the penalty of twenty shillings for each person that shall be convicted by legal proof, in the judgment of the assessors, of bringing in a false list; the said fines to be for the use of the poor of such town or district where the delinquent lives, to be levied by warrant from the assessors, directed to the collector or constable in manner as is directed for gathering town assessments, and to be paid in to the town treasurer or selectmen for the use afores<sup>d</sup>: *saving* to the party aggrieved at the judgment of the assessors in setting such fine, liberty of appeal therefrom to the court of general sessions of the peace within the county, for relief, as in case of being overrated.

[SECT. 5.] And if the party be not convicted of any falsness in the list by him presented of polls, ratable estates, or income by any trade or faculty which he doth or shall exercise in gaining, by mony at interest or otherwise, or other estate not particularly assessed, such list shall be a rule for such person's proportion to the tax, which the assessors may not exceed.

*And whereas*, oftentimes, sundry persons not belonging to this province, bringing in considerable goods and merchandize, and, by reason that the tax or rate of the town where they come to trade or traffic is finished and delivered to the constables or collectors, and, before the next year's assessment, are gone out of the province, and so pay nothing towards the support of the government, tho' in the time of their residing here they reap considerable gain by trade, and had the protection of this government,—

*Be it therefore enacted by the authority aforesaid,*

[SECT. 6.] That when any such person or persons shall come and reside in any town of this province for the space of twenty days, and bring any merchandize, and trade and deal therewith, the assessors of such towns are hereby impowered to rate and assess all such persons according to their circumstances, pursuant to the rules and directions in this act provided, tho' the former rate may have been finished, and the new one not perfected, as afores<sup>d</sup>; and the constables or collectors are hereby enjoyned to levy and collect all such sums committed unto them and pay the same into the treasury of such town. [*Passed August 25.*]

# ACTS

PASSED AT THE SESSION BEGUN AND HELD AT BOSTON,  
ON THE THIRD DAY OF NOVEMBER, A.D. 1731.

## CHAPTER 5.

AN ACT FOR GRANTING THE SUM OF FIVE THOUSAND FOUR HUNDRED POUNDS, FOR AND TOWARDS THE SUPPORT OF HIS MAJESTY'S GOVERNOUR.

WHEREAS the house of represent[at]ives, at the sessions of the gen[era]l court held in September last past, by an engross'd bill, did grant the sum of two thousand four hundred pounds, to his excellency the govern[or], for and towards his support, w[h]ich was concurr'd by the council, but not consented to by the govern[or], nor hath the govern[or] as yet received any sum of the province since his arrival, for his support.— Preamble.

*Be it therefore enacted by His Excellency the Govern[or], Council and Represent[at]ives in Gen[era]l Court assembled, and by the authority of the same,*

That the aforesaid grant of two thousand four hundred pounds, be and hereby is revived; and the sum of two thousand four hundred pounds, together with the further sum of three thousand pounds, making in the whole five thousand four hundred pounds, in bills of publick credit on this province, is granted to his most excellent majesty, to be paid out of the publick treasury to his excellency, Jonathan Belcher, Esqr., captain-gen[era]l and govern[or]-in-ch[ief] in and over this his maj[esty's] province, for his past services since his taking upon himself the administration of the government, and further to enable him to go on in managing the publick affairs. £5,400 granted to the governor. [Passed November 9.]

## CHAPTER 6.

AN ACT FOR SUPPLYING THE TREASURY WITH THE SUM OF FIVE THOUSAND FOUR HUNDRED POUNDS.

WHEREAS a bill entitled "An Act for granting the sum of five thousand four hundred pounds for and towards the support of his majesty's governo[r]," pass'd by the house of representatives at the present sessions and hath been concurr'd by the council, wherein the sum of five thousand four hundred pounds was granted to his excellency, Jonathan Belcher, Esqr., governour of this province, for his past services since his taking upon himself the administration of the governm[en]t, and further to enable him to manage the publick affairs; for the discharge whereof there is no supply of bills in the treasury,— Preamble.  
Chap. 5, *supra*.

*Be it therefore enacted by His Excellency the Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

Treasury supplied with £5,400 for the governor's support.

[SECT. 1.] That the sum of five thousand four hundred pounds in bills of credit now lying in the treasury, and received for taxes, impost, excise, &c., shall be emitted and employed for discharging and paying the aforesaid sum of five thousand four hundred pounds to his excellency the governour, and for no other use or purpose whatsoever, to be issued out of the treasury by warrant under the hand of his excellency the governour or commander-in-chief, for the time being, with the advice and consent of the council; and the said bills shall pass out of the publick treasury at the value therein expressed, equivalent to money, and shall be so taken and accepted in all publick payments; and the duties of impost and excise, together with all other incomes, shall be a fund and security for the payment and drawing the said bills into the treasury again.

Fund.

*And be it further enacted,*

[SECT. 2.] That there be and hereby is granted unto his most excellent majesty as [a] [the] further fund and security for the drawing in the said bills by this act ordered to be emitted, a tax of five thousand four hundred pounds, to be levied on polls, and estates both real and personal, within this province, according to such rules and directions and in such proportion upon the several towns and districts within the same as shall be agreed on and ordered by this court at their session in May, one thousand seven hundred and thirty-eight, and paid into the treasury on or before the last day of December then next after. [Passed November 9.]

## CHAPTER 7.

AN ACT FOR [THE] ALLOWING NECESSARY SUPPLIES TO THE EASTERN AND WESTERN INDIANS, AND FOR REGULATING TRADE WITH THEM.

Preamble.

1725-26, chap. 11.

WHEREAS the Indians in the eastern and western parts of this province, have, many years since, recognized their subjection and obedience to the crown of Great Britain, and have their dependance on this governm[en]t for supplies of cloathing and other necessaries; to the intent therefore that they may be furnished the same at such easy rates and prices as may oblige them to a firm adherence to his majesty's interest, several truck-houses having been erected and set up for that purpose,—

*Be it enacted by His Excellency the Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

Clothing, provisions, &c., to be prepared for the trade with the Indians.

[SECT. 1.] That provisions, cloathing and other supplies suitable for a trade with the said Indians be procured with the several sums formerly granted for that purpose by the general court, and the produce thereof applied from time to time for the supplying the said Indians as aforesaid, by such person or persons as shall annually be chosen by this court, who shall take the direction of the governour and council in the recess of the court as occasion shall require: *provided, always,* that such direction be not inconsistent with the instructions formerly given, or that shall be hereafter given by this court; which person or persons so chosen shall annually lay before this court fair accounts of all his or their proceedings herein; and the supplies of cloathing, provisions and other things shall be lodged at such places to the eastward and elsewhere, as the general court have heretofore ordered, or as they shall from time to time order and appoint.

The accounts of the trade to be annually laid before the general court.



*And be it further enacted by the authority aforesaid,*

[SECT. 2.] That a suitable person be appointed by this court for each of the places where any of the goods aforesaid are lodged, as a truck-master, to have the care and managem<sup>[en]</sup>t of the trade with the Indians, to be paid for his service such sum or sums from year to year as this court shall order; which truck-masters shall be under oath, and shall give sufficient security for the faithful<sup>[1]</sup> discharge of that trust, and attending such instructions as shall be from time to time given them by this court, and in the recess of the court by the governour and council as aforesaid.

Truck-masters  
to be chosen.

[SECT. 3.] And the said truck-masters shall keep fair accompts of their trade and dealing with the said Indians, and shall return the same, together with the produce thereof, from time to time to the person or persons who shall be appointed to supply them with the goods as aforesaid, the said accompts to be laid before the court; and they shall not trade with the said Indians on behalf or account of themselves or any other person or persons; and in case of the death of any such truck-master, or mismanagem<sup>[en]</sup>t in that trust during the recess of the court, another shall be put into his place by the governour, with the advice of the council, until the next session of the general court.

Truck-masters  
not to trade on  
their own ac-  
count.

*And be it further enacted,*

[SECT. 4.] That the said truck-masters shall sell the goods to the Indians at the price set in the invoices sent them from time to time, without any advance thereon, and shall allow the Indians for their furs and other goods as the market shall be at Boston according to the latest advices that they shall receive from the person or persons that shall supply them for the same commodities of equal goodness; and that the truck-masters do supply the Indians with rum in moderate quantities as they shall in prudence judge convenient and necessary, at the rate as charged in the invoice from time to time.

Goods to be  
sold according  
to invoice.

*And be it further enacted by the authority aforesaid,*

[SECT. 5.] That from and after the publication of this act, no person or persons whatsoever, other than the truck-masters that shall be appointed in manner as is before provided, shall or may presume, by themselves or any other for them, directly or indirectly, to sell, give, truck, barter or exchange to any of the aforesaid Indians any strong beer, ale, cyder, perry, wine, rum, brandy or other strong liquor by what name or names soever called or known, on penalty of forfeiting the sum of fifty pounds, or six months imprisonm<sup>[en]</sup>t for each offence; and in case any rum or strong liquors shall be sold or traded with on board any ship or vessel, or transported into those parts for sale, all such rum or strong liquors shall be also forfeited.

Private persons  
not to sell  
strong drink to  
the Indians.

Penalty.

[SECT. 6.] And the offences aforesaid shall be tried at any of his majesty's courts of record within this province; and the justices of the said courts are accordingly impowered to hear and determine thereon; one moyety of all fines and forfeitures arising by vertue of this act, to be laid out in procuring supplies for carrying on the trade with the Indians, the other moyety to him or them that shall inform or sue for the same in any of the courts aforesaid.

[SECT. 7.] This act to continue and be in force till the end of the session of the general assembly in May, one thousand seven hundred and thirty-two. [Passed November 9; published November 10.]

Limitation.

## CHAPTER 8.

AN ACT IN FURTHER ADDITION TO AN ACT DIRECTING THE ADMISSION OF TOWN INHABITANTS, MADE AND PASS'D IN THE THIRTEENTH YEAR OF THE REIGN OF WILLIAM THE THIRD.

*Be it enacted by His Excellency the Govern[ou]r, Council and Represent[at]ives in General Court assembled, and by the authority of the same,*

No strangers to be entertained in a town above twenty days, without giving notice to the selectmen, &c.  
1700.1, chap. 23.  
1726-27, chap. 6.

Penalty.

[SECT. 1.] That the inhabitants of the several towns within this province, who shall receive, admit and entertain any person or persons not being inhabitants of such town[s] either as inmates, boarders, tenants, or under any other qualifications, for more than a space of twenty days, and shall not in writing under their hands, give an account to one or more of the selectmen or the town clerk of such town, of all such persons so received, admitted or entertain'd by them, with the time they first received them, and the place from whence they last came, together with their circumstances as far as they can, shall for every such neglect forfeit and pay the sum of forty shillings, to be recovered by bill, plaint or information before any justice of the peace, or in any of his majesty's courts of record within this province: the one half of said fine to be employed to and for the use of the poor of the town where such offence shall be committed, the other half to him or them that shall inform and sue for the same; and they shall be liable to answer all charges that may arise in the said town by receiving and entertaining such persons as aforesaid, to be recovered by the town treasurer, or selectmen where no town treasurer is appointed, who are hereby respectively empowered to bring an action accordingly.

Limitation.

[SECT. 2.] This act to continue and be in force for the space of five years and no longer. [*Passed November 9; published November 10.*]

## CHAPTER 9.

AN ACT TO SUBJECT THE UNIMPROVED LANDS WITHIN THIS PROVINCE BELONGING TO NON-RESIDENT PROPRIETORS TO BE SOLD FOR PAYMENT OF TAXES OR ASSESSMENTS LEVYED ON THEM BY ORDER OF THE GREAT AND GENERAL COURT.

Preamble.  
1730, chap. 1,  
§ 14.

WHEREAS it frequently happens that the non-resident proprietors of unimproved lands within the several towns and precincts of this province, neglect or delay to pay their proportions of the sums from time to time assessed on such lands by order of the great and general court, towards defraying the publick charges arising within such towns or precincts,—

*Be it therefore enacted by His Excellency the Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

Assessors empowered to sell unimproved lands for paying public taxes, in case.

[SECT. 1.] That when and so often as the assessors of any of the towns or precincts within this province have, or at any time to come shall, pursuant to the direction or orders of the general court, levy or assess a tax upon the unimproved lands of the non-resident proprietors, situate in any of the towns within this province, for defraying the publick charges arising in the said towns or precincts, respectively, and such non-resident proprietors shall neglect or delay to pay to the collector or collectors the sums from time to time levied or assessed upon their lands, for sixty days

after such assessment is made and published, by posting up the same in the town or precinct where such land lies, and in the shire town of the county; that then and in such case, it shall and may be lawful[1] for the assessors of each town or precinct, respectively, to nominate three sufficient freeholders living in some neighbouring town or towns within the county where such lands lye, to apprise so much of such delinquent proprietors' lands, upon oath, as they judge will be sufficient to pay and satisfy such publick rates and taxes, and other necessary intervening charges; and after the apprizement so made, the assessors of each town or precinct, respectively, are hereby directed to post up, in some publick place or places in the town or precinct where the lands lye, notifications of the intended sale of such unimproved lands, thirty days before the same be sold, and if such non-resident proprietors do not by that time pay such rates or assessments and charges, then and in such case, it shall and may be lawful[1] for the assessors, at a publick vendue, to sell and execute absolute deeds in the law, for the conveyance of such lands of the proprietors to the person or persons who will give most for the same: w[hic]h deeds shall be good and valid to all intents and purposes in the law, for conveying such estates to the grantees, their heirs and assigns forever.

[SECT. 2.] And if the said lands be sold for more, the overplus, after all charges arising about the same are subducted, to be paid to such delinquent proprietors, or their order, the mon[e]y w[hic]h the said lands shall be sold for, to be lodged in the hands of the treasurers of the respective towns or precincts, who are hereby directed to attend the orders of the assessors of such towns or precincts, for payment of the same, pursuant to the true intent and meaning of this act, reserving to such non-resident proprietors as are not inhabitants of this province, their heirs or assigns, a liberty for redemption of their lands so sold, they paying to the grantees or their heirs, respectively, within one year afterwards, the sums for w[hic]h the said lands were sold, with lawful[1] interest for the same until[1] the same be redeemed; any law, usage or custom to the contrary notwithstanding.

The money to be lodged in the hands of the treasurers of the towns or precincts.

[SECT. 3.] This act to continue and be in force for the space of three years from the publication, and no longer. [Passed November 9; published November 10.]

Limitation.

## CHAPTER 10.

### AN ACT MAKING MORE EFFECTUAL PROVISION FOR THE CALLING OF PRECINCT OR PARISH MEETINGS.

WHEREAS his majesty's justices of the peace in their several counties are, by the acts or laws of this province already made, impowered, upon application made to them, to issue out their warrants for the calling of the first meeting of any parish or district regularly set off; but no provision is made for the calling any after meeting in case of the death or refusal of any o[f]f[r] the major part of such a committee, as are impowered to call other or after parish meetings,—

Preamble.  
1723-24, chap. 14,  
§ 1.

Be it enacted by His Excellency the Governour, Council and Represent[at]ives in General Court assembled, and by the authority of the same,

[SECT. 1.] That when it shall so happen by the refusal of any committee impowered to call meetings in any parish or district, or their being disabled by the death or removal of the major part of such committee, that then it shall and may be lawful for any justice of the peace in the county where such precinct, district or parish lies, and such

Justices empow-  
ered to call pre-  
cinct meetings  
after the first, in  
case.

justice is hereby impowered, upon application to him made by five or more freeholders of such precinct or parish, by writing, under their hands, for calling of a meeting, to issue out a warrant for the assembling such district or parish, directed to one of the freeholders, requiring him to notify the freeholders and others, qualified by law to vote, of the time and place of the meeting; and the freeholders and other inhabitants so convened, shall have full power to chuse all necessary officers to act and transact all matters and things relating to their parish, as they shall judge convenient: *provided*, that such matters and things are contained in the warrant or notification of the s[ai]d meeting.

Preamble.

*And whereas* no provision is made in the law for swearing of parish officers in towns where no justice of the peace dwells, and the travelling to other towns is attended with charge and difficulty; therefore,—

*Be it enacted by the authority aforesaid,*

Clerk to administer an oath where no justice dwells.

[SECT. 2.] That the assessors and other officers in any parish or district being in a town where no justice of the peace dwells, shall and may be sworn to the faithful discharge of their office before the clerk of such parish or precinct, who is accordingly impowered to administer the same; the said clerk being first sworn before one of his majesty's justices in the said county. [*Passed November 9.*]

# ACTS

PASSED AT THE SESSION BEGUN AND HELD AT BOSTON,  
ON THE FIRST DAY OF DECEMBER, A.D. 1731.

## CHAPTER 11.

AN ACT FURTHER TO EXEMPT PERSONS COMMONLY CALLED QUAKERS,  
WITHIN THIS PROVINCE, FROM BEING TAXED FOR AND TOWARDS THE  
SUPPORT OF MINISTERS.

WHEREAS some inhabitants of this province, called Quakers, refuse to pay any part or proportion of such rates or taxes as are from time to time assessed for the support of the ministry in the several towns whereto they belong, alledging a scruple of conscience for such their refusal, and complain[ing] of the difficulties in complying with the acts made for their relief; and thereupon frequent applications have been made to this court for redress,—

*Be it therefore enacted by His Excellency the Governour, Council and Represent[ati]ves in General Court assembled, and by the authority of the same,*

[SECT. 1.] That from and after the publication of this act, none of the persons, commonly called Quakers, who alledge a scruple of conscience as the reason of their refusal to pay any part or proportion of such taxes as are from time to time assessed for the support of the minister or ministers of the churches established by the laws of this province, in the town or place where they dwell, shall have their poll, or estate real or personal, in their own hands and under their actual improvement, taxed towards the support of such minister or ministers, nor for the building of any meeting-house or place of publick worship.

And to the intent that it may be the better known what persons are of that perswasion, and who are exempted by this act,—

*Be it enacted by the authority aforesaid,*

[SECT. 2.] That the assessors of each town where any of the said Quakers live, or their lands in their own actual improvem[en]t ly, shall annually, sometime before the twentieth day of July, take a list of all such persons and forthwith transmit the same to the clerk of the town, which list shall be entered on the record of such town by the clerk, who is hereby impowered and directed to enter the same accordingly, that so any of the people called Quakers, or any members of their society thereto appointed may view such list, and have a copy thereof, if they desire the same, paying only sixpence therefor: and if any person of that denomination shall be omitted in such list by the assessors taken, and the assessors shall be certified thereof in writing, under the hands of two principal members of that perswasion, appointed thereto by the respective societies some time before the tenth day of August then next after, that such persons not inserted in their list they believe to be con-

Preamble.  
1729-30, chap. 6

Quakers ex-  
empted from  
taxes for minis-  
ters and meet-  
ing-houses.

Method for  
knowing who  
are Quakers.



scientifically of their perswasion, and that they do frequently and usually attend their meetings for the worship of God, on the Lord's day, the assessors shall also exempt the said persons so omitted, and their estates in their actual managem[en]t and improvem[en]t, as well as all others inserted in the said lists, from all rates and taxes by the said assessors to be made for the support of the minister or ministers in their towns, or for erecting places of publick worship.

*And be it further enacted by the authority aforesaid,*

[SECT. 3.] That the assessors in each town or precinct respectively, be and hereby are enabled and impowered to assess and levy in proportion to the province tax, the whole ministerial rate as by contract or by order of the general sessions of the peace, in the respective counties, according to law; or the sums that shall be granted by the inhabitants of any town or precinct, for the erecting or repairing a publick place for the worship of God, at a meeting of the said inhabitants qualified to vote in town affairs regularly convened, on the persons and estates of all others, living and lying within such town or precinct, not expressed in the list given to the town clerk or added thereto as aforesaid.

*And be it further enacted by the authority aforesaid,*

[SECT. 4.] That all persons exempted by this act as aforesaid, from paying their part of any town, parish or precinct taxes assessed for and towards any settlement or support of the ministers of the churches established by the laws of this province, or towards the building and repairing of any meeting-house for the publick worship of God, where they are inhabitants, shall be and hereby are debarred from voting in any such affairs; any law, usage or custom to the contrary notwithstanding.

[SECT. 5.] This act to continue and be in force for the space of five years, and from thence to the end of the then next session of the general assembly, and no longer. [*Passed December 24; published December 27.*]

## CHAPTER 12.

AN ACT FOR THE PAYMENT OF THE MEMBERS OF HIS MAJESTY'S COUNCIL, AND THE REPRESENTATIVES SERVING IN THE GENERAL COURT.

Preamble.

1726-27, chap. 13.

WHEREAS the members of his majesty's council, and the representatives serving in the general court, are necessarily exposed to considerable expence in travelling to and from the place where the court is holden, as well as during the time of their actual attendance on the publick service,—

*Be it enacted by His Excellency the Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

[SECT. 1.] That from the beginning of the session of this court in May last, unto the end of the several sessions thereof, until May next, each of the members of the council shall be entitled to ten shillings *per diem*, in bills of credit, to be paid out of the publick treasury, upon warrant according to the directions of the royal charter; certificate to be given by the secretary of the number of days of such members' attendance and travel to and from the court, twenty miles to be accounted a day's travel.

*And be it further enacted by the authority aforesaid,*

[SECT. 2.] That for and during the aforesaid term, each representative serving in the general court, shall be entitled to six shillings *per*

Councillors allowed ten shillings *per diem* for their service.

1692-3, chap. 44.

Representatives allowed six shillings *per*

Tax taken off from the Quakers to be assessed on the other inhabitants.

Limitation.

*diem*, in bills of credit, to be paid out of the publick treasury upon warrant as aforesaid; certificate to be given by the clerk of the house of represent[ati]ves of the number of days of such members' attendance, and travel to and from the court: twenty miles to be accounted a day's travel. *diem for their service.* 1714, chap. 4, and note.

And that there may be a sufficiency of bills in the province treasury to pay off such sums as shall become due as aforesaid to the members of the general court,—

*Be it further enacted by the authority aforesaid,*

[SECT. 3.] That the treasurer of the province be and hereby is directed and empowered to issue out and emit the sum of five thousand pounds in bills of credit already in his hands and received by taxes, impost, excise &c.; the said sum to be drawn out according to the direction of the royal charter; viz., so much as shall be necessary for the end and use of paying the members of the general court as aforesaid, and the residue of the said five thousand pounds to remain for the further order of this court.

Bills to be emitted for their payment.

And for a fund and security for drawing of the said bills into the treasury again,—

*Be it further enacted,*

[SECT. 4.] That there be and hereby is granted unto his most excellent majesty, a tax of five thousand pounds, to be levied and assessed in manner following; viz., such sum or sums as shall be paid the members of his majesty's council, to be assessed on the several towns within this province, in the same proportion that they pay to the next province tax, and paid in with the same; and that such sum or sums as shall be paid to the several represent[ati]ves serving in general court as aforesaid, shall be levied and assessed on the inhabitants of the several towns within this province, in such proportion and according to what each town by their respective representative received out of the treasury, w[hi]ch sum shall be set on the said town in the next province tax. Fund.

[SECT. 5.] And the assessors of the said towns shall make their assessments for this tax and apportion the same according to the rule that shall be prescribed by act of the general assembly for assessing the next province tax; and the constables in their several districts shall pay in the same when they pay in the province tax for the next year.

[SECT. 6.] And the treasurer of the province shall keep an account, and debt each town for what shall be paid their respective represent[ati]ves, and credit the towns for the payments they shall make hereon; and shall also keep a separate account of this emission distinct from all other emissions, so as that no other of the funds or grants may be any way altered or affected hereby. [Passed December 24; published December 27.]

## CHAPTER 13.

### AN ACT TO PREVENT PERSONS CONCEALING THE SMALL-POX.

WHEREAS it has been represented that the small-pox has been designedly concealed in divers families within this province, which practice greatly tends to the spreading of that mortal distemper; for remedy whereof,— Preamble.

*Be it enacted by His Excellency the Governour, Council and Represent[at]ives in General Court assembled, and by the authority of the same,*

Head of the family where the small-pox is, to hang out a red cloth, &c.

[SECT. 1.] That from and after the publication of this act, when any person is visited with the small-pox, in any town of this province, immediately upon knowledge thereof, the head of that family in which such person is sick, shall acquaint the selectmen of the town therewith, and also hang out, on a pole at least six feet in length, a red cloth not under one yard long and half a yard wide, from the most public[k] part of the infected house, the said sign thus to continue till the house, in the judg[e]ment of the selectmen, is thoroughly aired and cleansed; upon penalty of forfeiting and paying the sum of fifty pounds for each offence, one half for the informer and the other half for the use of the poor of the town where such offence shall be committed, to be sued for and recovered by the treasurer of the town, or the informer, by action, bill, plaint or information, in any of his majesty's courts of record; and if the party be unable or refuses to pay such fine, then to be punished by whipping not exceeding thirty stripes.

Penalty.

*And be it further enacted by the authority aforesaid,*

Persons that have the signs of the small-pox to send to the selectmen.

[SECT. 2.] That when the small-pox is in any town of this province, and any person in said town, not having had the same, shall then be taken sick, and any pustulous eruptions appear, the head of that family wherein such person is, shall immediately acquaint one or more of the selectmen of the town therewith, that so the s[a]id selectmen may give directions therein; upon penalty of forfeiting the sum of fifty pounds, to be recovered and applied for the uses aforesaid, the whole charge to be born by the person thus visited, if able to defr[a]c[e]y the same, but if in the judg[e]ment of the selectmen of the town such person is indigent and unable, then the said charge to be born by the town whereto he or she belongs: *provided, always*, that this act shall not be understood to extend to persons in any town where more than twenty families are known to be visited with the small-pox at one and the same time.

Penalty.

Proviso.

Limitation.

[SECT. 3.] This act to continue for the space of ten years from the publication thereof, and no longer. [*Passed February 2; published February 3, 1731–32.*]

## CHAPTER 14.

AN ACT IN FURTHER ADDITION TO AN ACT ENTITLED "AN ACT FOR THE RELIEF OF ID[I][E]OTS AND DISTRACTED PERSONS," MADE AND PASS'D IN THE SIXTH YEAR OF THE REIGN OF KING WILLIAM AND QUEEN MARY.

Preamble.

1693.4, chap. 18.  
1726.27, chap. 12.

WHEREAS the provision made in and by the said act, only respects such id[i][e]ots, persons *non compos* or distracted, whose near relations refuse to undertake the care of providing for them, and whose circumstances may finally require the sale of their lands, or their persons to be put out to labour, in order to prevent any charge to the town where such distracted person or id[i][e]ot is an inhabitant, and no method prescribed in the said act how it may be inquired of, and known whether the person said to be a lunatick, id[i][e]ot or *non compos* be so or not; and for the securing the estate of such idiot or distracted person from imbezzlement,—

*Be it therefore enacted by His Excellency the Governour, Council and Represent[ati]ves in General Court assembled, and by the authority of the same,*

[SECT. 1.] That it shall be in the power of the judges for the probate of [of] wills, and for granting letters of administration for and within the respective counties in this province, from time to time, upon request made by the relations or friends of any id[i][e]ot, *non compos*, lunatick or distracted person, or the overseers of the poor in such town where the said id[i][e]ot or distracted person lives or is an inhabitant, to direct the selectmen of such town to make inquisition thereinto; and if the person said to be an id[i][e]ot or distracted shall be so determined by the judge of probate of the county and selectmen of the town, or major part of them, wherein such id[i][e]ot or distracted person lives, then and in that case, such judge of probate shall assign and appoint some suitable person or persons to be guardian or guardians of such id[i][e]ot or *non compos*, directing and empowering such guardian or guardians to take care as well of the person as the estate, both real and personal, of the said id[i][e]ot or distracted person, and to make a true and perfect inventory of the said estate, to be returned to and filed in the register's office of the courts of probate in the respective counties within this province.

Judges of probate to inquire of idiots or distracted persons.

Judges of probate to appoint guardians of idiots or distracted persons.

*And be it further enacted by the authority aforesaid,*

[SECT. 2.] That the judges for the probate of wills and granting administrations within the respective counties, be and hereby are fully authorized and empowered to call before them, and to require and administer an oath unto any person or persons probably suspected of making any concealment, imbezzlement, or conveying away any of the money[s], goods or chattels of any such id[i][e]ot, *non compos*, lunatick or distracted person, as well upon the complaint of any heir, creditor or other person, having lawful right or claim to or in such estate, as of the said guardian or guardians.

To put persons upon oath suspected of embezzlement of the estates of idiots or distracted persons.

[SECT. 3.] And in case any such suspected person was entrusted by the said id[i][e]ot, *non compos*, lunatick or distracted person, or was otherwise conversant with, or near unto him in the time of his lunacy or distraction, or is in possession of the estate or any part thereof, whereby to strengthen and make the suspension\* more violent, and shall refuse to clear and acquit him- or herself upon oath, it shall and may be lawful for the judges of probate, and they are accordingly empowered and directed, to commit such person so refusing to swear, unto the goal of the county, there to remain until he or she shall comply to discharge him- or herself upon oath as aforesaid, or be released by consent of the guardian or guardians, heir, creditor or other person having lawful right or claim to or in such estate as aforesaid.

Persons refusing to swear to be committed to prison.

*And be it further enacted by the authority aforesaid,*

[SECT. 4.] That the guardian or guardians appointed as aforesaid, shall improve frugally and without wast[e] and destruction, the estate of the id[i][e]ot, *non compos*, lunatick or distracted person, and apply the annual profits and incomes thereof for the comfortable maintenance and support of the said id[i][e]ot, lunatick, *non compos* or distracted person, and also of his household or family (if any such he have).

Power of guardians to manage the estates of idiots or distracted persons.

[SECT. 5.] And [that] the said guardian or guardians be and hereby are empowered to settle accounts, receive, and, if need be, sue for and recover all such just debts as shall be due to the said id[i][e]ots, persons distracted or *non compos*, from any person or persons whomsoever, and to manage, improve, divide or take care of the real estate or such id[i][e]ot, person distracted or *non compos*, in as full and ample a manner as the said persons could or might do were they restored to their right mind; and also shall be subject to the payment of all such

justs debts, owing by such persons, which were contracted before their distraction, out of the personal estate of such id[*i*][*e*]ot, persons *non compos* or distracted, or, in case that be not sufficient, then out of the real estate; being first impowered to make sale thereof, or of such part thereof as is sufficient for that end, by the justices of the superiour court of judicature, upon application made to them therefor.

Guardians to be allowed for their trouble and charge.

[SECT. 6.] And in case the said distracted persons shall come or be restored to their right mind, the residue of his or her estate, both real and personal, shall be delivered or [*returned*] [*resturred*] to them or to their respective heirs, executors or administrators as the law directs, the guardian or guardians having first such a reasonable allowance out of the same for their charges and trouble as the judge of probate shall order.

Guardians to give bond.

*And be it further enacted by the authority aforesaid,*

[SECT. 7.] That the guardian or guardians appointed as aforesaid, shall give bond to the judge of probate for the time being, in a reasonable sum, with sufficient sureties, for the faithful discharge of the trust in them reposed, more especially for the rendering a just and true account of their guardianship, when and so often as they shall be thereunto required.

Saving of the right of appeal.

[SECT. 8.] *Saving, always,* the right of appeal to the govern[*ou*]r and council, as is practiced in other cases from the sentences or decrees of the judges of probate.

Limitation.

[SECT. 9.] This act to continue and be in force for the space of five years from the publication thereof, and from thence to the end of the session of the general court in May next following, and no longer. [*Passed February 2; published February 3, 1731-32.*]

## CHAPTER 15.

AN ACT FOR THE AUTHORIZING COMMISSIONERS TO DETERMINE THE WESTERN BOUNDARY OF THAT PART OF THIS PROVINCE FORMERLY THE COLONY OF PLYMOUTH, AND THE COLONY OF RHO[A]D[E] ISLAND ADJO[J]NING.

Preamble.

WHEREAS of late years there has been a claim made by the governm[*en*]t of Rho[a]d[e] Island, of the jurisdiction of a tract of land, and the inhabitants thereof, lying to the eastward of Patucket River, altho of a long time the same has been under this governm[*en*]t and of the ancient colony of Plymouth; and the general court of Rho[a]d[e] Island having chosen Col[*l*]. Willet of West Chester, Col[*l*]. Isaac Hix and Mr. James Jackson of Flushing, all in the province of New York, on their part, and have proposed that this court should join the like number of disinterested persons to hear and determine this controversy; wherefore, for the deciding of this dispute,—

*Be it enacted by His Excellency the Governour, Council and Represent[ati]ces in General Court assembled, and by the authority of the same,*

Commissioners to settle the line between the Massachusetts and Rhode Island Colony.

[SECT. 1.] That Roger Wolcot of Windsor, Ozias Pitkin of Hartford, Esqrs., and Mr. Joseph Fowler of Lebanon, all of the colony of Connecticut, are hereby desired and are fully authorized and impowered to meet with the said Col[*l*]. Willet, Col[*l*]. Hix and Mr. Jackson in such place and at such time as the said Roger Wolcot and the said Col[*l*]. Willet shall appoint, then and there to order, agree, settle and determine under whose jurisdiction or governm[*en*]t the said tract of land shall be and remain hereafter; and the agreement and determination under the hands and seals of the said commissioners or the major



part of them, and delivered to a committee of this court to be appointed to attend the said commissioners, shall be binding and conclusive on this province forever.

*And be it further enacted by the authority aforesaid,*

[SECT. 2.] That in case it should so happen that the said commissioners or the major part of them shall not agree, so as to give up their award or determination to the committee aforesaid, then and in such case they or the major part of them present shall and may choose another disinterested person of any of the neighbouring governm[en]ts, to join with and decide the said controversy as fully as if the [said] person was named in this act: *provided, always,* that the inhabitants on the said land do, in the mean time and until such determination be deliver'd as aforesaid, pay all taxes that have been or shall be laid on them and their lands, according to the laws of this province: the said inhabitants having been subjected in like manner ever since their first settlem[en]t: *provided, also,* the general assembly of the colony of Rho[a]d[e] Island come into an act like to this in substance. [*Passed February 2; published February 3, 1731–32.*]

Commissioners  
for choosing another person, in  
case.

Proviso.

## CHAPTER 16.

AN ACT FOR SUPPLYING THE TREASURY WITH THE SUM OF THREE THOUSAND AND EIGHT HUNDRED POUNDS FOR THE PAY[MENT][ING] OF FRANCIS WILKS, Esq., FOR HIS PAST SERVICES AS AGENT FOR THIS PROVINCE, AND TO ENABLE HIM FURTHER TO PROCEED AND SOLICIT THE AFFAIRS OF THIS GOVERNMENT.

*Be it enacted by His Excellency the Governour, Council and Representatives, in General Court assembled, and by the authority of the same,*

[SECT. 1.] That the sum of three thousand and eight hundred pounds in bills of credit now lying in the hands of the treasurer, and received by taxes, impost, excise, &c., shall be emitted and employed for the ends and uses aforesaid; viz., the sum of eight hundred pounds, part of the aforesaid sum for the discharging and paying a grant of the said sum made this session to Francis Wilks, Esq., in consideration of his past good services in the agency for this province; and the further sum of three thousand pounds to be employed, so much of it as is necessary, for the purchasing of bills of exchange to the value of seven hundred pounds sterling, to be remitted and made payable to the s[ai]d Francis Wilks, Esq., agent for this province, to be employed for the use of this governm[en]t, to enable him to proceed and carry on the publick affairs of this governm[en]t, according to such orders as he shall from time to time receive from this court, and to be accountable for the same; which said sum shall be employed for no other ends and uses whatsoever than those before mentioned, and the remainder, if any there be, to ly in the treasury for the further order of this court: the said bills to be issued out of the treasury by warrant under the hand of the governo[u]r with the advice and consent of the council, and to pass out of the treasury at the value therein expressed, equivalent to money, and shall be so taken and received in all publick payments.

£3,800 granted  
for supplying  
the agent.

*And be it further enacted by the authority aforesaid,*

[SECT. 2.] That there be and hereby is granted unto his most excellent majesty, as a fund and security for the drawing in of the bills by this act ordered to be emitted, a tax of three thousand eight hundred pounds, to be levied on polls, and estates both real and personal within this province, according to such rules and directions and in such pro-

Fund.

portion upon the several towns and districts within the same, as shall be agreed on and ordered by this court at their session in May, one thousand seven hundred and thirty-six, and paid into the treasury on or before the last day of December then next after. [*Passed February 2; published February 3, 1731-32.*]

## CHAPTER 17.

### AN ACT FOR MAKING A NEW TOWN IN THE COUNTY OF WORCESTER BY THE NAME OF DUDLEY.

#### Preamble.

WHEREAS there are many inhabitants already settled on a tract of land lying between the towns of Woodstock and Oxford, in the county of Worcester, who, together with others lately settled on the southwest part of Oxford and very remote from any place of the publick worship of God, are very conveniently situated for a township and have petitioned this court to be erected into a separate township accordingly,—

*Be it enacted by His Excellency the Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

A new town made in the county of Worcester, called Dudley.  
Bounds of the town.

[SECT. 1.] That all the lands lying within the bounds following; viz., the colony or patent line and the township of Woodstock, on the south; the grant made to Medfield, on the west; the land of Mr. Papillon, on the north, unto the farm belonging to Paul Dudley, Esq<sup>r</sup>; and by the same partly on the east, until it comes to Stony River; and by the said river till it comes to the brook coming out of Chabunagunga-maug Pond; and by the pond, to the colony or patent line; be and hereby are set off and constituted a distinct and separate township by the name of [*Dudley*]: and that the inhabitants of the said township be vested with the powers, privileges and immunities that the inhabitants of any of the towns of this province by law are or ought to be vested with.

*Provided,—*

*And be it further enacted,*

#### Proviso.

[SECT. 2.] That nothing in this act contained shall excuse or free any of the lands or inhabitants that have been taxed by the town of Oxford, according to the order of this court, for paying all past dues; but that they and their lands be subjected to pay their town, county and ministerial rates and taxes in the same manner as they would have been if this act had never been made. [*Passed February 2; published February 3, 1731-32.*]

## CHAPTER 18.

### AN ACT FOR GRANTING UNTO HIS MAJESTY SEVERAL RATES AND DUT[IE][Y]S OF IMPOST AND TUNNAGE OF SHIP[P]ING.

#### Preamble.

WE, his majesty's most loyal and dut[ie][y]ful[l] subjects, the representatives of his majesty's province of the Massachusetts Bay in New England, considering the necessity of calling in the sum of twenty-one thousand pounds granted to his late majesty, King George the First, by bills emitted at the several[l] sessions in the years one thousand seven hundred and twenty-one, one thousand seven hundred and twenty-five, and one thousand seven hundred and twenty-six, to be

levied and collected in the year one thousand seven hundred and thirty-two, have cheerfully and unanimously given and granted, and do hereby give and grant, unto his most excellent majesty, to the ends, uses and intent aforesaid, and for no other use, the several dut[ie][y]s of impost upon wines, liquors, goods, wares and merchandize that shall be imported into this province, and tunnage of shipping, hereafter mentioned, for calling in the sum of twenty-one thousand pounds; and pray that it may be enacted,—

*And be it accordingly enacted by His Excellency the Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

[SECT. 1.] That from and after the twenty-fifth day of December instant, there shall be paid by the importer of all wines, liquors, goods, wares and merchandizes that shall be imported into this province from the place of their growth (salt, cotton-wool, provisions and every other thing of the growth and produce of New England excepted), the several rates and dut[ie][y]s of impost following; viz.,—

Rates of impost.

For every pipe of wine of the Western Islands, twenty-five shillings.

For every pipe of Canary, thirty-seven shillings and sixpence.

For every pipe of Made[i]ra, thirty shillings.

For every pipe of other sorts, not mentioned, thirty shillings.

For every hogshead of rum containing one hundred gallons, twenty-five shillings.

For every hogshead of sugar, two shillings.

For every hogshead of mol[a][o]sses, one shilling.

For every hogshead of tobacco, twenty-five shillings.

For every tun of logwood, three shillings.

And so, proportionably, for greater or lesser quantit[ie][y]s.

And all other commodities, goods or merchandize not mentioned or excepted, twopence for every twenty shillings' value: all goods imported from Great Britain excepted.

*And whereas* many strangers and foreigners have of late years reaped great gain and profit by bringing into this province considerable quantities of foreign mol[a][o]sses and rum on their own accompts, whereby much of the trade that was formerly carried on with considerable profit by the inhabitants of this province, altho with the paying very high charges for permission, &c., in their islands, is, in a great measure, if not wholly, prevented; wherefore, in order to the subjecting such foreigners' goods to a higher duty,—

*Be it enacted by the authority aforesaid,*

[SECT. 2.] That all such mol[a][o]sses and rum that belong to foreigners shall pay the following dut[ie][y]s; viz.,—

For every hogshead of mol[a][o]sses, five shillings; and for every hogshead of rum, six pounds.

And for the preventing the colouring of such foreigners' goods under the names of any merchants or others inhabiting this province,—

*Be it enacted by the authority aforesaid,*

[SECT. 3.] That when any quantities of such goods are imported into this province, that may reasonably be supposed to come from any of the said foreign plantations, and are said to be consigned to some of the inhabitants of this province, or British subjects, such person to whom the same is consigned shall make oath before the commissioner of impost, in the following words; vizt.,—

You, A. B., do swear that the goods imported in the ship or vessel[], and consigned you, did actually and truly come upon the sole proper account and risque, and are *bona fida*\* the goods and estate of yourself, or some other of his majesty's British subjects; and that no foreigner, directly or indirectly, is any ways interested or concerned in the same, or are ever to have

Oath.

any share or part in the same, that you know of; nor is this consignment made to you under any colour or pretext to prevent the paying the dut[ie][y]s of the same.

[SECT. 4.] And for any of the above wines, liquors, goods, wares, merchandize, &c., that shall be imported into this province from any other port than the places of their growth and produce, there shall be paid by the importer double the value of impost appointed by this act to be received for every species abovementioned, unless they do, *bona fide*\*, belong to the inhabitants of this province, and came upon their risque from the port of their growth and produce.

*And be it further enacted by the authority aforesaid,*

Commissioners  
allowed to give  
credit.

[SECT. 5.] That all the aforesaid impost rates and dut[ie][y]s shall be paid in currant money, or in bills of credit of this province, by the importer of any wines, liquors, goods or merchandize, unto the commissioner to be appointed, as is hereinafter directed, for entring and receiving the same, at or before the landing of any wines, liquors, goods or merchandizes: *only* the commissioner or receiver is hereby allowed to give credit to such person or persons where his or their duty of impost, in one ship or vessel[1] doth exceed the sum of ten pounds; and in case where the commissioner or receiver shall give credit, he shall settle and ballance his accompts with every person, so that the same accompts may be ready to be presented to this court in May annually; and all entries, where the impost or duty to be paid doth not exceed four shillings, shall be made without charge to the importer; and not more than sixpence to be paid for any other single entry, to what value soever.

Fees.

*And be it further enacted by the authority aforesaid,*

Masters of ves-  
sels to make  
report.

[SECT. 6.] That all masters of ships or other vessel[1][s], coming into any harbour or port within this province, from beyond sea or from any other province or colony, before bulk be broken, and within twenty-four hours after his arrival at such harbour or port, shall make a report to the commissioner or receiver of the impost, to be appointed as is hereinafter mentioned, of the contents of the lad[e]ing of such ship or vessel[1], without any charge or fee to be demanded or paid for the same; which report said master shall give in to the said commissioner or receiver, under his hand, and shall therein set down and express the quantities and species of the wines, liquors, goods and merchandizes laden on such ship or vessel[1], with the marks and numbers thereof, and to whom the same is consigned; and also make oath that the said report or manifest of the contents of his lading, so to be by him given in under his hand, as aforesaid, contains a just and true accompt, to the best of his knowledge, of the whole lading taken on board and imported in the said vessel[1] from the port or ports such vessel[1] came from, and that he hath not broken bulk, nor delivered any of the wines, rum or other distilled liquors or merchandizes, laden on said ship or vessel[1], directly or indirectly, and that if he shall know of any more wines, liquors, goods or merchandize to be imported therein, before the landing thereof, he will cause it to be added to his manifest; which manifest shall be agre[e]able to a printed form made for that purpose, which is to be filled up by the said commissioner or receiver, according to each particular person's entry: which oath the commissioner or receiver is hereby impow[er]ed to administer; after which such master may unload, and not before, on pain of one hundred pounds to be forfeited and paid by each master that shall neglect his duty on this behalf.

*And be it further enacted by the authority aforesaid,*

Invoice to be  
produced, &c.

[SECT. 7.] That all merchants, factors and other persons, import[e][o]rs, being owners of or having any of the wines, liquors, goods or merchandizes consigned to them, that by this act are l[i]t[y]able to pay impost or duty, shall, by themselves or order, make entry thereof in



writing, under their hands, with the said commissioner or receiver, and produce unto him the original invoice of all such goods as pay *ad valorem*, and make oath thereto in manner following:—

You, A. B., do swear that the entry of the goods and merchandize by you now made, contains the true value, agre[e]able to the original invoice herewith exhibited; and that, according to your best skill and judgment, it is not less than the real[l] cost thereof. So help you God. Oath.

—which abovesaid oath the commissioner or receiver is hereby impow-  
[e]red to administer; and they shall pay the duty and impost by this act required, before such wines, liquors, goods, wares or merchandizes be landed or taken out of the vessel in which the same shall be imported, on pain of forfeiting all such wines, liquors, goods, wares or merchandizes so landed or taken out of the vessel[l] in which the same shall be imported.

*Duties to be paid before landing.*

[SECT. 8.] And no liquors, goods, wares or merchandizes that by this act are l[i][y]able to pay impost or duty, shall be landed on any wharf[f], or into any warehouse or other place, but in the day-time only, and that after sunrise and before sunset[t], unless in the presence and with the consent of the commissioner or receiver, on pain of forfeiting all such wines, liquors, goods, wares and merchandizes, and the lighter, boat or vessel[l] out of which the same shall be landed or put into any warehouse or other place.

[SECT. 9.] And if any person or persons shall not have and produce an invoice of the quantities of rum or liquors to him or them consigned, then the cask wherein the same is, shall be gaged, at the charge of the importer, that the quantities thereof may be known.

*And be it further enacted by the authority aforesaid,*

[SECT. 10.] That every merchant or other person importing any wines into this province, shall be allowed twelve per cent for leakage: *provided* such wines have not been filled up on board; and that every hoghead, butt or pipe of wine that hath two third parts thereof leaked out, shall be accounted for outs, and the merchant or importer to pay no duty or impost for the same. And no master of any ship or vessel[l] shall suffer any wines to be filled up on board without giving a certificate of the quantity so filled, under his hand, before the landing thereof, to the commissioner or receiver of impost for such port, on pain of forfeiting the sum of fifty pounds.

*Allowance for leakage.*

[SECT. 11.] And if it be made to appear that any wines imported in any ship or vessel[l] be decayed at the time of the unlading thereof, or in twenty days afterwards, oath being made before the commissioner or receiver that the same hath not been landed above that time, the duties and impost paid for such wines shall be repaid unto the importer thereof.

*And be it further enacted by the authority aforesaid,*

[SECT. 12.] That the master of any ship or vessel[l] importing any wines, liquors, goods, wares or merchandize, shall be l[i][y]able to and shall pay the impost for such and so much thereof, contained in his manifest, as shall not be duly entred, nor the duty paid for the same, by the person or persons to whom such wines, liquors, [goods], wares or merchandize are or shall be consigned. And it shall and may be lawful[l] to and for the master of every ship or other vessel[l] to secure and detain in his hands, at the owner's risque, all such wines, liquors, goods, wares or merchandize imported in any ship or vessel[l], until he shall receive a certificate, from the commissioner or receiver of the impost, that the duty for the same is paid, and until he be repaid his necessary charges in securing the same; or such master may deliver such wines, liquors, goods, wares or merchandize as are not entred, unto the commissioner

*Master liable to pay the impost.*



or receiver of the impost in such port, or his order, who is hereby impow[er]ed and directed to receive and keep the same, at the owner's risque, until the impost thereof, with the charges, be paid; and then to deliver such wines, liquors, goods, wares or merchandize as such masters shall direct.

*And be it further enacted by the authority aforesaid,*

Master liable to  
be sued.

[SECT. 13.] That the commissioner or receiver of the impost in each port, shall be and hereby is impow[er]ed to sue the master of any ship or vessel[1], for the impost or duty for so much of the lading of any wines, liquors, goods, wares and merchandizes imported therein, according to the manifest by him to be given upon oath, as aforesaid, as shall remain not entred and the duty of impost thereof not paid. And where any goods, wares or merchandizes are such as that the value thereof is not known, whereby the impost to be recovered of the master for the same cannot be ascertained, the owner or person to whom such goods, wares or merchandizes are or shall be consigned, shall be summoned to appear as an evidence at the court where suit for the impost and duty thereof shall be brought, and be there required to make oath to the value of such goods, wares or merchandizes.

*And be it further enacted by the authority aforesaid,*

Ships, &c., lia-  
ble to be taken  
in execution.

[SECT. 14.] That the ship or vessel[1], with her tackle, appar[r]el[1] and furniture, the master of which shall make default in anything by this act required to be performed by him, shall be l[i]a[b]le to answer and make good the sum or sums forfeited by such master, according to this act, for any such default, as also to make good the impost or duty for any wines, liquors, goods, wares and merchandizes not entred as aforesaid; and, upon judgment recovered against such master, the said ship or vessel[1], with so much of the tackle or appurtenances thereof as shall be sufficient to satisfy said judgment, may be taken in execution for the same. And the commissioner or receiver of the impost is hereby impow[er]ed to make seizure of such ship or vessel[1], and detain the same under seizure until judgment be given in any suit to be commenced and prosecuted for any of the said forfeitures or impost; to the intent that if judgment be rendered for the prosecutor or informer, such ship or vessel[1] and appurtenances may be exposed to sale for satisfaction thereof, as is before provided: *unless* the owners, or some on their behalf, for the releasing such ship or vessel[1] from under seizure or restraint, shall give sufficient security unto the commissioner or receiver of the impost that seized the same, to respond and satisf[y] the sum or value of the forfeiture and dut[ies], with charges, that shall be recovered against the master thereof, upon suit to be brought for the same, as aforesaid; and the master occasioning such loss and damage unto his owners, thro[ugh] his default or neglect, shall be l[i]a[b]le unto their action for the same.

*And be it further enacted,*

Naval officer not  
to clear vessels  
till impost be  
paid.

[SECT. 15.] That the naval officer within any of the ports of this province, shall not clear or give passes to any master of any ship or other vessel[1], outward bound, until he shall be certified by the commissioner or receiver of the impost, that the dut[ies] and impost for the goods last imported in such ship or vessel[1] are paid or secured to be paid.

Bills of store to  
be allowed.

[SECT. 16.] And the commissioner or receiver of the impost is hereby impow[er]ed to allow bills of store, to the master of any ship or vessel importing any wines or liquors, for such private adventures as shall belong to the master or seamen of such ship or other vessel[1], at the discretion of the commissioner or receiver, not exceeding three per cent of the lading; and the dut[ies] payable by this act for such wines or liquors, in such bills of store mentioned and expressed, shall be abated.

*And be it further enacted by the authority aforesaid,*

[SECT. 17.] That all penalties, fines and forfeitures accruing and arising by virtue of this act shall be one half[e] to his majesty for the uses and intents for which the aforementioned dut[ie][y]s of impost are granted, and the other half to him or them that shall seize, inform and sue for the same by action, bill, plaint or information in any of his majesty's courts of record, wherein no essoign, protection or wager of law shall be allowed; the whole charge of [the] prosecution to be taken out of the half belonging to the informer.

Disposition of  
forfeitures.

*And be it further enacted by the authority aforesaid,*

[SECT. 18.] That there shall be paid by the master of every ship or other vessel, coming into any port or ports in this province to trade or traffick, whereof all the owners are not belonging to this province (except such vessels as belong to Great Britain, the provinces or colon[ie][y]s of Pensilvania, West and East Jersey, New York, Connecticut, New Hampshire and Rhode Island), every voyage such ship or vessel[1] do[es] make, the sum of two shillings and sixpence per ton, or one pound of good new pistol-powder, for every ton such ship or vessel[1] is in burthen: *saving* for that part which is owned in Great Britain, this province, or any of the aforesaid governments, which are hereby exempted; to be paid unto the commissioner or receiver of the dut[ie][y]s of impost, and to be employed for the ends and uses aforesaid.

Tonnage of  
shipping.

[SECT. 19.] And the said commissioner is hereby impow[er]ed to appoint a meet and suitable person, to repair unto and on board any ship or vessel[1], to take the exact measure [or] [of] tunnage thereof, in case he shall suspect that the register of such ship or vessel[1] do[th][s] not express and set forth the full burthen of the same, the charge thereof to be paid by the master or owner of such ship or vessel[1] before she be cleared, in case she [shall] appear to be of greater burthen; otherwise to be paid by the commissioner out of the money received by him for impost; and shall be allowed him accordingly by the treasurer, in his accompts. And the naval officer shall not clear any vessel[1] until he be also certified, by the said commissioner, that the duty of tunnage for the same is paid, or that it is such a vessel[1] for which none is payable according to this act.

*And be it further enacted by the authority aforesaid,*

[SECT. 20.] That there be one fit person, and no more, nominated and appointed by this court, as a commissioner and receiver of the aforesaid dut[ie][y]s of impost and tunnage of ship[p]ing, and for the inspection, care and management of the said office, and whatsoever relates thereunto, to receive commission for the same from the governour or commander-in-chief for the time being, with authority to substitute and appoint a deputy receiver in each port besides that wherein he resides, and to grant warrants to such deputy receivers for the[ir] said place, and to collect and receive the impost and tunnage of ship[p]ing aforesaid that shall become due within such port, and to render the accompts thereof, and pay in the same, to the said commissioner and receiver: which said commissioner and receiver shall keep fair books of all entries and duties arising by virtue of this act; also a particular account of every vessel[1], so that the dut[ie][y]s of impost and tunnage arising on the said vessel[1] may appear; and the same to ly open, at all seasonable times, to the view and perusal of the treasurer and receiver-general of this province, or any other person or persons whom this court shall appoint, with whom he shall accompt for all collections and payments, and pay in all such moneys as shall be in his hands, as the treasurer or receiver-general shall demand it. And the said commission[er] or receiver, and his deputy and deputies, before their entring upon the execution of their

Appointments  
and duty of the  
commissioners,  
&c.

office, shall be sworn to deal truly and faithfully therein, and shall attend in the said office from nine to twelve of the clock in the forenoon, and from two to five of the clock in the afternoon.

[SECT. 21.] And the said commissioner and receiver, for his labour, care and expences in the said office, shall have and receive, out of the province treasury, the sum of seventy pounds per annum; and his deputy or deput[ie][y]s to be paid for their service such sum or sums as the said commissioner and receiver, with the treasurer, shall agree, upon reasonable terms, not exceeding thirty pounds each; and the treasurer is hereby ordered, in passing and receiving the said commissioner's accompts, accordingly, to allow the payment of such salary or salaries, as aforesaid, to himself and his deputy or deputies.

*Provided,*

**Limitation.**

[SECT. 22.] That this act shall be and continue in force from the twenty-fifth day of this instant December, until the twenty-ninth day of June, which will be in year of our Lord one thousand seven hundred and thirty-three, and no longer. [*Passed December 24.*]

NOTES.—There were, actually, four distinct sessions of the General Court this year, held at Boston, two of them by adjournment, and one by prorogation. The first continued from May 26 to August 25; the second, from September 22 to October 6; and the third, from the third to the ninth of November, when it was prorogued to December first.

The Governor seems to have considered the last as properly the second session; for he says in his opening speech: "The Several Adjournments I have made of this Court since their first Sitting in May Last were absolutely necessary for His majesty's Honour and Service— \* \* \* I at length made a prorogation: *This therefore becomes a new Session.*"

Six of the acts passed at the first session were signed by the Governor during the third session. No acts were passed at the session beginning September 22. The engrossments of all the foregoing acts are preserved, and all, except chapter 4, were printed with the sessions-acts.

The Privy Council referred these acts to the Lords of Trade as follows: chapters 1, 2, 3 and 4, Dec. 23, 1731; chapters 5 to 10, inclusive, Jan. 27, 1731-32; chapters 11 to 18, inclusive, July 25, 1732. They appear next to have been submitted to Mr. Fane, and to have been returned by him without objection to the Lords of Trade, who considered them June 17, 1735, and on the same day reported them to the Privy Council for confirmation.

The Privy Council passed an order, November 6, 1735, confirming all but chapters 11 and 13. Their objections to chapter 11 are given in the note to that chapter, *post*.

*Chap. 5.* Grants or allowances of £500 each were made, by act, three times, to Sir William Phips while he was governor. After this a practice began of making the annual allowance by a resolve, in place of a formal act. The royal instructions, however, issued from time to time, required the governors to use their influence to procure the establishment of a fixed salary for the governor, and, sometimes, also, for the lieutenant-governor, by a perpetual act. In 1720, the General Court, having for three years allowed £1,200 per annum to Governor Shute, suddenly reduced his allowance to £1,000, and, although the Council entreated the House not to persist in this reduction, and the Governor thereupon communicated to the House a copy of his instruction to urge a fixed salary, the House refused to enlarge the sum, and their resolve received the concurrence of the Council and was approved by the Governor,—the House, at the same time, declaring by message,—"that the Affair of Settling of Salaries is a Matter of great Weight & wholly new to the House, And many of y<sup>e</sup> Members thereof being Dismiss'd & gone Home, They think it not proper to Enter upon an Affair of that consequence after the Session has been so long."

The same amount was granted the next year, in two instalments of £500 each, according to the usual course, and the further sum of £500 in the first session of 1722-23; but, as before the end of the third session the Governor suddenly sailed for England, no further allowance was granted that year.

Until the arrival of Governor Burnet (July 13, 1728), Lieutenant-Governor Dummer seems to have found no difficulty in reconciling his acceptance of allowances under the resolves of the Assembly, with the instructions from the Crown.

Shute, who remained in England, succeeded in procuring an additional instruction naming £1,000 sterling, at least, as a proper salary for the governor, and requiring him to urge upon the Assembly the necessity of immediately enacting a bill for that purpose upon pain of the Royal displeasure, and also to intimate to them that their refusal or neglect would be brought to the consideration of Parliament. The date of this instruction was April 10, 1727; but before Shute had got ready to depart for New England, a demise of the crown occurred, causing him to abandon the voyage, and Burnet was appointed his successor.

The peremptory instruction which had been prepared for Shute was now renewed to Burnet, who firmly obeyed it throughout his administration, receiving, in consequence, nothing from the Assembly but a grant of £300 to defray the expense of his removal from New York. Burnet's persistency upon this point and the means he took to force the Assembly into a compliance with the instruction were made, by the latter, the subject of a complaint to the Crown, which, however, only resulted in an approval of the Governor's course, and a recommendation by the Privy Council that the matter be laid before Parliament.

Burnet's death occurred during this controversy; and the Assembly thereafter granted allowances, in the usual form, to the Lieutenant-Governor, for his services down to the arrival of his successor; but he refused to assent to them on account of their conflict with his instructions,—upon which point there was a difference between him and the House, the latter maintaining that the 23d instruction did not require the establishment of a salary for the lieutenant-governor when commander-in-chief.

Lieutenant-Governor Taler took his chair in the Assembly, June 30, 1730, and, on the second of July, not only consented to the final grant of £900 to his predecessor, which the latter had refused to sign, but also approved of a gratuity to himself, of £300 as lieutenant-governor.

Belcher, who arrived in August, 1730, brought with him still more urgent instructions respecting the establishment of a fixed salary. By these he was forbidden to accept any gift or present from the Assembly or others, "on any account or in any way whatsoever, upon pain of" the king's "highest displeasure," except under an act fixing a permanent salary of at least £1,000 sterling, free from all deductions, to be "constantly paid out of such monies as shall, from time to time, be raised for the support of the government," &c.; and if the Assembly failed to comply with this instruction, he was ordered forthwith to proceed in person, or to send an agent, to England, to give an exact account of all that should have passed upon this subject, in order that the same might be laid before Parliament.

The Governor met with the Assembly Sept. 9, 1730, and, on the 15th, assented to a grant of £1,000 "towards reimbursing him" the expenses of his agency in England and of his passage hither, and eleven days later, to another grant of £500, and later still, to a grant of eight hundred acres of unappropriated land, both for his services as agent. In the mean time he had communicated to the Assembly the instruction he had received concerning a fixed salary, which neither branch of the Legislature seems to have understood to be inconsistent with the generous grants now made to him.

After several attempts to pass a resolve or bill to satisfy or avoid the requirements of the instruction, had failed to receive the concurrence of the House and Council, a bill granting £2,400 passed both branches, October 28, 1730. Both branches at the same time voted to address the Crown to permit the Governor to assent to its passage.

This act, of course, failed to receive the Governor's assent, but was not altogether unsatisfactory to him, as appears by his speech to both Houses the same day, in which he declared that—"altho, after spinning out this Session you are come into something that has more the face of that duty & respect you owe the King than you have ever before manifested on this head, yet as it does not answer His Majestys Expectation from you, and as nothing else lies before you, I am willing to give you a reasonable Recess for your more wise & serious consideration of this important affair," &c. He, moreover, under date of Dec. 10, 1730, addressed letters to the Lords of Trade and the Duke of Newcastle, principal Secretary of State, recommending that this act "be taken as a settlement during the present Governor's administration." Upon these letters the Lords of Trade reported that they "are at a loss to imagine how Mr. Belcher" \* \* \* "could think that this might be taken as a settlement during his Government."

In his first speech to the next Assembly the Governor advised them that "the sooner they fix the salary, the better." This was on the tenth of February. By the third of April, after conference with the House, the Council declared that if the House would prepare a satisfactory bill, they will join in an address to the King that the Governor might be permitted to sign it.

Belcher again wrote to the Lords of Trade, April 5, 1731, that if he had had the king's leave to sign the bill of October 30, "I would a defy'd their recession from (£3,000 this or) £1,000 sterling money a year, for my time." He added that the new Assembly had gone backward, "and seem resolved to do nothing more than they did about forty years agoe when the form of Government they are now under was first erected." By this it would appear that the efforts of the House to prepare a bill satisfactory to the Council had failed.

At the opening of the first session of the Assembly this year the Governor again recommended the passage of an act in conformity with his instructions, and, upon the eighth of June, this chapter was passed to be enacted by both branches.

The following extracts are from the letter of Governor Belcher to the Lords of Trade accompanying this bill:—

"My Lords, \* \* \* I also cover to your Lordships the Bill pass'd by His Majesty's Council & House of Representatives this present Session for my support—I say (with great submission) all these things put together must make it unanswerable when its said there is no prospect of anything to be done here conformable to His Majesty's Instruction, and should the King finally recede from his Orders after so long a controversy (publish't in all the prints of Europe and America) I truly dread what would be the consequences to this Province. Some might be wild enough to fancy they were able to govern & protect themselves.

\* \* \* \* \*

Before the year rolls about I shall have spent more than £1,000 sterls & yet have hardly been able to live as necessarily becomes His Majesty's Governor—I must therefore repeat to your Lordships that I cannot suppose upon a just consideration that it can be concluded reasonable that a faithful servant should support the King's honour & employ his life in his service & that of his subjects to the continual wasting of his own estate But this my Lords has been & is my hard case. I would therefore again pray I may have the Royal Leave to sign the Bill now pass'd by the Council and Representatives for my support which your Lordships know must certainly strengthen me in the service of the Crown, and to take the people's money must be a punishment upon them—for they really smile at the late Gov<sup>r</sup> serving them & spending £1,000 Str of his own estate without receiving a farthing from them. My Lord Bellamont & Gov<sup>r</sup> Dudley who were formerly Governors of this Province had instructions of the nature of mine from the glorious King William & the late Queen Anne, & yet had leave to receive the people's money, till the crown should



adjust the matter of a fixed Salary, nor, with submission to your Lordships, can I see the necessity of starving the Gov<sup>r</sup> 'till such time as His Majesty shall put His Orders into effectual execution. \* \* \* \* \*

J. BELCHER

Boston, June 12, 1731."

"Recd 27 July Read 4 Aug 1731."—*"New England, Board of Trade,"* vol. 18, Z., 206, in *Public Record Office*.

The following is the record of proceedings by the Privy Council and the Lords of Trade upon this chapter:—

"Councill Chamber Whitehall the 27<sup>th</sup> of July 1731.

S<sup>r</sup> The Lords of the Committee of Council, having appointed to meet at the Cockpit, on Wednesday the fourth of next Month, at eleven of the Clock in the forenoon, to consider of the Acts lately passed by the Assembly of Massachusetts Bay, relating to the settling a Salary on the Governor of that Province: I am to acquaint you, that their Lordships desire some of the Lords Commissioners for Trade & Plantations to attend at that time—of which you will be pleased to inform them. I am, Sir, Your most humble Serv<sup>t</sup>

JA: VERNON

ALURED POPPLE Esq<sup>re</sup> "

"Recd 28 July Read D<sup>o</sup> 1731."—*Ibid.*, p. 204.

"Whitehall, Wednesday July 28. 1731

At a Meeting of His Maj<sup>ty's</sup> Commrs for Trade & Plantations Present Mr Pelham. Mr Bladen \* \* \* \* \*

A letter from Mr Vernon one of the Clerks of the Council dated yesterday signifying that the Lords of the Council having appointed Wednesday the 4<sup>th</sup> of the next month at eleven of the clock in the forenoon to consider of the Acts lately passed by the Assembly of the Massachusetts Bay relating to the settling a Salary on the Governor of that Province, their Lordships desire some of this Board to attend at that time, was read, whereupon Order'd that the several Representations, Instructions and Orders of Reference on that subject be collected to be laid before the Board \* \* \* \* \*

—*Public Record Office*: "*Trade Papers (Journals)*," vol. 35, p. 196.

"Councill Office, Whitehall the 31<sup>st</sup> July 1731.

My Lord, This waits on your Grace, pursuant to your Directions, to remind your Grace, that the Acts past by the Assembly of the Massachusetts Bay, for settling a Salary on Governor Belcher, are to be considered at the Committee of Council appointed to meet at the Cockpit on Wednesday next the fourth of August at eleven o'clock in the forenoon

I am with the utmost duty & respect

My Lord Your Grace's most obedient and most humble Servant

WILL: SHARPE "

—*"America and West Indies,"* vol. 119—in *Public Record Office*.

"Whitehall, Wednesday Aug. y<sup>e</sup> 4<sup>th</sup> 1731

\* \* \* \* \* Their Lordships went this day & attended the Lords of the Committee of Council, as had been desired by Mr Vernon's letter of the 27<sup>th</sup> of the last month in relation to a Salary for the Governor of the Massachusetts Bay & the Bills lately pass'd by the Council & Assembly there for the support of Mr Belcher the said Governor, And their Lordships being returned,

The undermentioned letters from Mr Belcher were severally read, And the papers therein referred to laid before the Board, Viz<sup>t</sup>

A letter from him dated 1 of June 1731.

Five acts pass'd in New Hampshire in 1731.

Journal of the House of Representatives of the Massachusetts Bay from 26 to the 29 of May 1731

A letter from him dated 12 of June 1731

Copy of a bill pass'd by the Council and Representatives of the Massachusetts Bay in June 1731 for granting the sum of £5,400 for & towards the support of His Maj<sup>ty's</sup> Governor

Printed Notes of the House of Representatives of the Massachusetts Bay from the 3<sup>d</sup> to the 9<sup>th</sup> of June inclusive

A letter from him dated June 1731 & a letter from him to the Secretary of same date

A letter from him dated 24 June 1731

And their Lordships agreed to reconsider the same before they give directions for an answer." \* \* \* \* \*

—*Ibid.*, p. 202.

"At the Councill Chamber, Whitehall. the 4<sup>th</sup> day of August 1731 by the Right Honoble the Lords of the Committee for Plantation Affairs

Upon reading this day to their Lordships the Humble Memoriall of Jonathan Belcher Jun<sup>r</sup> Esq<sup>r</sup> for & on behalf of Jonathan Belcher Esq<sup>r</sup> his father, His Majesty's Governor of the Massachusetts Bay in New England, humbly praying for the reasons therein sett forth, That His Majesty may be advised to give leave to his Father, to assent to a Bill past by the Councill and Assembly of that Province in June last—For paying him his Salary to May 1732, a copy of which Bill is thereto annexed:—It is Ordered by their Lordships that the said Petition be and it is hereby referred to the Lords Commissioners for Trade and Plantations to consider thereof, and report what they think advisable for His Majesty to do thereupon, to this Committee, on Wednesday next, at eleven o'clock in the forenoon:—

And in case the said Lords Commissioners should be of opinion, that His Majesty may grant the Petitioners request, That they do then prepare a Draught of an Instruction proper to be sent hereupon to Governor Belcher, and lay the same before this Committee at the same time.

JA: VERNON."

—*"New England, Board of Trade,"* vol. 18, Z., 211, in *Pub. Rec. Office*.



"Whitehall, Thursday, Aug<sup>t</sup> 5<sup>th</sup> 1731

At a Meeting of His Maj<sup>ty's</sup> Commissrs for Trade and Plantations Present Mr Doct<sup>r</sup> Dominique Mr Bladen Sir O. Bridgeman.

An Order of the Lords of the Committee of Council for Plantation affairs dated yesterday referring to this Board a Memorial from Jonathan Belcher Jun<sup>r</sup> in behalf of Mr Belcher his father, Governor of the Massachusetts Bay, praying the said Gov<sup>r</sup> may have leave to give his assent to a Bill pass'd by the Council & Representatives of that Province in June last for paying his Salary to May 1732 was read, And Directions were given for preparing the Draught of a Report to the Lords of the Committee thereupon.—*Pub. Rec. Office*: "Trade papers (Journals)," vol. 35, p. 204.

"Whitehall, Tuesday, August 10<sup>th</sup> 1731.

At a Meeting &c &c

The Draught of a Report to the Lords of the Committee of Council, directed at the last Meeting to be prepared, pursuant to their Order upon the Memorial of Mr Belcher jun<sup>r</sup> in behalf of Mr Belcher his father, relating to his Salary as Governor of the Massachusetts Bay was agreed as also the Draught of an additional Instruction to him on the same subject, And the sd Draught of a Report being transcribed, was signed."—*Ibid.*, p. 208.

"To the Right Hon<sup>ble</sup> the Lords of the Committee of His Majesty's most Hon<sup>ble</sup> Privy Council My Lords, In pursuance of yo<sup>r</sup> Lordships Order of y<sup>e</sup> 4<sup>th</sup> instant, We have considered y<sup>e</sup> humble Memorial of Jonathan Belcher jun<sup>r</sup> Esq<sup>r</sup> in behalf of his father now His Majesty's Gov<sup>r</sup> of y<sup>e</sup> Province of the Massachusetts Bay in New England, wherein he prays that for the reasons therein contained, His Majesty would be pleased to #mit the said Governor Belcher to give his Assent to a Bill pass'd in June last by y<sup>e</sup> Council & General Assembly of that Province for granting to y<sup>e</sup> Kings most Excellent Majesty the sum of five thousand four hundred pounds in Bills of Credit in that Province, to be paid out of y<sup>e</sup> publick Treasury to their present Governor or that he may be #mitted to receive his support in such other best way as he can bring the sd Gen<sup>l</sup> Assembly to give y<sup>e</sup> same.

We take leave to represent to Yo<sup>r</sup> Lordships upon this occasion that altho' We cannot reflect without concern upon the obstinacy with which the General Assembly of this Province persist in their refusal to settle a fix'd salary upon their Govern<sup>r</sup> for the time being: Yet considering on the other hand that y<sup>e</sup> present Govern<sup>r</sup> must necessarily have been at a large expence out of his private fortune, since his entrance upon that employment as he has hitherto paid an exact obedience to his Maj<sup>ty's</sup> commands by refusing to accept of any Salary contrary to the tenour of his Instructions, and as his family must unavoidably be very great sufferers should he be left to support the dignity of his station out of his private fortune; We are therefore humbly of opinion that for this time only, His Majesty may be graciously pleased to permit Gov<sup>r</sup> Belcher to give his assent to y<sup>e</sup> aforesaid Bill, as a particular grace & favour to the sd Govern<sup>r</sup> and his family and in consideration of his faithful adherence to His Maj<sup>ty's</sup> commands Provided nevertheless that this condescension on the part of the Crown, shall not in any wise be drawn into President for the future, nor be in any degree construed to enervate the validity of His Maj<sup>ty's</sup> former Instructions upon this Head, which Mr Belcher should at the same time be commanded to enforce, by requiring the Gen<sup>l</sup> Assembly to settle his Salary for the future in such manner as may be most conformable to his Maj<sup>ty's</sup> Royal pleasure.

Should Yo<sup>r</sup> Lordships concur with us in this opinion, We conceive that His Majesty's permission to pass the aforesaid Bill may be signify'd to Gov<sup>r</sup> Belcher by y<sup>e</sup> annexed Instruction, which We have drawn up pursuant to Yo<sup>r</sup> Lordships Order & in conformity to the sentiments we have conceived upon this matter.

We are My Lords Yo<sup>r</sup> Lordships most obedient and most humble Serv<sup>ts</sup>

P. DOCTINIQUE  
M. BLADEN.  
OR. BRIDGEMAN  
JAMES BRUDENELL

Whitehall Aug<sup>t</sup> 10<sup>th</sup> 1731.—"*New Eng., B. T.*" vol. 39, p. 426, in *Pub. Record Office*.  
An additional instruction was accordingly prepared and forwarded to the Governor.

Chap. 11.—"On my first arrival to the Government, I observed to the General Assembly the great Favour this Province Enjoys from the Crown not only in their Civil but also in their Religious Rights, and as one great Errand of our Forefathers hither was to avoid all Impositions on their Consciences so it would well become the Legislature here to make Protestants of all Denominations easy in their way and manner of worshipping God, and We may have reason to believe Conscientiously differ from the Established Churches of this Country. Of this matter I am obliged to remind you from the repeated applications made to me by the People among us called Quakers, who think themselves under great hardships from some of the Laws of this Province. They are Generally a Sett of Vertuous and inoffensive people and good members of the Common Wealth and their Friends in England are a great Body of men, and esteemed as well attached to His Majesty and His Royal House as any of the best of his Subjects; I would therefore upon all these Considerations think it an Instance of your prudence and Wisdom to pass Some further Law for their Quiet and ease"—*Belcher's Speech to the Assembly, Dec. 2, 1731. Council Records, vol. XV., p. 182.*

"At the Council Chamber Whitehall the 2<sup>d</sup> day of February 1735 By the Right Honourable the Lords of the Committee of Council for Plant<sup>n</sup> Affairs.

The Lords of the Committee this day took into their consideration an Act passed in His Majesty's Province of the Massachusetts Bay on the 24<sup>th</sup> of December 1731 entitled An Act further to exempt persons commonly called Quakers within this Province from being taxed for and towards the support of Ministers.—together with a Report made thereupon by the Lords Commissrs for Trade and Plantations.—And the Committee finding that this Act grants an Exemption only to Quakers from being taxed to the support of Ministers—

Whereas by the Charter granted to that Province a liberty of Conscience is allowed to all Christians (except Papists) inhabiting or who shall inhabit within the said Province, and that consequently such exemption ought not to have been limited to any one set of Protestants but extended to all persons whatsoever of the persuasion or denomination of Protestants—Their Lordships were therefore of opinion that the said Act was not proper for His Majesty's approbation—And would accordingly have proposed to His Majesty that the same should have been Repealed if the said Act had not appeared to their Lordships to be a Temporary Law and near expiring—However their Lordships think it necessary in order to prevent the renewing thereof or the passing any such Act for the future that an Additional Instruction should be prepared for His Majesty's Governor & Commander in Chief of the said Province of the Massachusetts Bay to restrain him from giving his assent hereafter to any Law of this kind unless the same shall be strictly conformable to the terms of the Charter in this respect, and the exemption be made general to all persons whatsoever being of the persuasion or denomination of Protestants—And the Lords of the Committee do hereby order that the Lords Commrs for Trade and Plantations do prepare a Draught of such additional Instruction as may be proper to be given hereupon to the said Governor and lay the same before this Committee.

W. SHARPE

[Indorsed] Rec<sup>d</sup> 18<sup>th</sup> Feb<sup>y</sup> 1735-6 Read 18<sup>th</sup> March 1735-6.—“*New Eng., B. T.*” vol. 23, B. b., 157, in *Pub. Rec. Office*.

*Quakers in Somersetshire to Francis Whitworth & Thomas Carew 29 January 1739-40.*  
“Francis Whitworth & Thomas Carew Esq<sup>rs</sup> in London

Minehead [County Somerset] ye 29<sup>th</sup> 11<sup>mo</sup> 1739

We are lately informed that strong endeavours are making with the King's Ministers to deprive Governor Belcher of his Governments in New England, And as that Gentleman has given demonstrable evidence on all occasions of his regards & attachment to our Friends the people call'd Quakers under his Government and more particularly by his influence a Law has been past exempting our Friends from Taxes to the maintenance of the Ministers there, In gratitude we earnestly request your favor and kind interposition in behalf of the said Governor with the Ministry & especially the Duke of New Castle in whose province the affair principally lyes, And we beseech your indulgence and countenance to the Bearer hereof our frd Rich<sup>d</sup> Partridge to whom we refer for further information in the affair wherein you will greatly oblige & serve Your Friends

THOMAS FREEMAN.

JOSEPH DEVONSHEIR.

ABRAHAM CLOTHIER.

ROBT. DAVIS.

JOHN DAVIS

JOHN DEVONSHEIR

JNO. DAVIS JUN<sup>r</sup>

JOHN READ.”

—*Pub. Rec. Office.* “*America and West Indies,*” vol. 563.

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ACTS

PASSED 1732-33.

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# ACTS

PASSED AT THE SESSION BEGUN AND HELD AT BOSTON,  
ON THE THIRTY-FIRST DAY OF MAY, A.D. 1732.

## CHAPTER 1.

AN ACT FOR GRANTING UNTO HIS MAJESTY AN EXCISE UPON WINES,  
LIQUORS AND OTHER STRONG DRINK, SOLD BY RETAIL.

WE, his majesty's most loyal and dutiful subjects, the representatives of the province of the Massachuset[t]s Bay, in general court assembled, being desirous to lessen the present debt of the province, by drawing in a number of the bills of credit, in pursuance of several grants of this court in the years 1721, 1722, 1725, 1726 and 1727, have cheerfully and unanimously granted, and do hereby give and grant unto his most excellent majesty, for the ends and uses abovementioned, and for no other uses, an excise upon all brandy, rum and other spirits distilled, and upon all wines whatsoever, sold by retail within this province; to be raised, lev[i][y]ed, collected and paid, by and upon every taverner, in[n]holder, common victualler and retailer within each respective county, in manner following:—

Preamble.

*And be it accordingly enacted by His Excellency the Governor, Council and Representatives in General Court assembled, and by the authority of the same,*

[SECT. 1.] That from and after the twenty-ninth day of June, one thousand seven hundred and thirty-two, for the space of five year[s], every person l[i][y]censed for retailing brandy, rum or other spirits or wine, shall pay the duties following; vizt.,—

Time limited.

For every gallon of brandy, rum and spirits distilled, eightpence.

Fees stated.

For every gallon of wine, of every sort, eightpence,

A pipe of wine to be accounted one hundred gallons.

*And be it further enacted by the authority aforesaid,*

[SECT. 2.] That there be one or more collectors in each county annually appointed by the general court, or by the court of general sessions of the peace, where it shall happen that such collectors refuse to accept said office, or be removed by death or mismanagement, to take charge of this duty of excise, who shall have power to inspect the houses of all such as are l[i][y]censed, and of such as are suspected to sell without l[i][y]cense, which collectors shall be upon oath to take care of the due execution of this law, and to prosecute the breakers of it; and have power to appoint underofficers upon oath. And the said collectors shall carefully examine the accompts of every l[i][y]censed person in their respective count[ie][y]s, and demand, sue for, and receive the several sums due from them by this act, and shall give in an accompt under their hands, of the particular sums they receive, together with the names of the persons of whom received, unto

Collectors appointed.



the treasurer upon oath ; which oath the treasurer is hereby impowered and directed to administer in the words following ; vizt.,—

You, A. B., do swear this is a just and true accompt of the excise upon all liquors by you received in the county of \_\_\_\_\_ ; and that the persons of whom you received the same were also upon oath. So help you God.

[SECT. 3.] And at the time of receiving any money, the said collectors shall give two receipts of the same ten[o]ur[e] and date, mentioning what sum or sums they have received from any taverner, in[n]holder, common victualler or retailer ; one of which receipts to be by the said taverner, in[n]holder, common victualler or retailer returned to the court of general sessions of the peace within their respective count[ie][y]s, at the next session of such court, and the clerks of the said courts shall, within twenty days after receipt thereof, transmit the same to the treasurer or receiver-general.

[SECT. 4.] And such collectors shall pay into the public treasury of this province all such sums as they shall receive within six months from the date of their commission, and so from time to time within the space of six months, as long as they shall continue in such office, on pain and forf[ei]t[ur]e of the reward given such collectors by this act, who shall be allowed five per cent on all money by them collected and paid into the treasury, as aforesaid : each collector, before he enter into the said office to give bond, double the sum that is usually received for excise, annually in said county, to the treasurer of this province, for the time being, and his successo[u]rs in said office, with sufficient sureties, for the faithful[1] discharge of his duty, and that he will duly pay in the money that he shall collect, to the treasurer of the province, for the time being ; which bond shall be executed before the court of general sessions of the peace in the respective count[ie][y]s, where the said collectors live, and transmitted to the treasurer of the province by the clerk of the peace within such county, within three months after the bond is executed ; and the said treasurer shall put in suit the bonds of all such collectors, who shall neglect to make due payment within sixty days after the expiration of the year.

Five per cent  
for collecting.

Account to be  
taken.

*And be it further enacted by the authority aforesaid,*

[SECT. 5.] That every taverner, in[n]holder, common victualler and retailer shall, after the twenty-ninth day of June, one thousand seven hundred and thirty-two, take an exact acco[un]t[mp]t of all rum, brandy and other distilled spirits and wine then by him, and give an acco[un]t[mp]t of the same unto the said collector, upon oath, and such other persons as shall be l[i]c[en]s[e]d, during the continuance of the said act, shall also give an acco[un]t[mp]t as aforesaid, upon oath, of what rum, brandy and other distilled spirits and wine he or they shall have by him or them at the time of his or their l[i]c[en]s[e] ; which oath the collector shall have power to administer, in the words following ; vizt.,—

You, A. B., do swear that the acco[un]t[mp]t exhibited by you is a true and just acco[un]t[mp]t of all the rum, brandy and other distilled spirits and wine now by you. So help you God.

Within six  
months, account  
to be delivered.

[SECT. 6.] That every taverner, in[n]holder, common victualler and retailer shall make a fair entry in a book, of all such rum, brandy and other distilled spirits and wine as he or they, or any for him or them shall buy, distil or take in for sale after such acco[un]t[mp]t taken, and, at the end of six months, deliver the same in writing, under his or their hands, to the collector, who is to administer an oath to him or them that the said acco[un]t[mp]t is *boná fide* just and true, and that he or

they do not know of any rum, brandy or other distilled spirits or wine sold, directly or indirectly, by him or them, or any under him or them, or by his or their privy or consent, but what is contained in the account now exhibited, and shall pay him the duty thereof, excepting such part as the collector shall find is still remaining by him or them; twenty per cent to be allowed for leakage and other waste<sup>[e]</sup>, for which no duty is to be paid.

Twenty per cent leakage.

[SECT. 7.] And every collector who shall neglect or refuse to administer such oath in manner as aforesaid, being thereof convict by due course of law, shall forfeit<sup>[ei]</sup> and pay the sum of fifty pounds for the use of the province, to be recovered in manner as by this act is provided; and so, *toties quoties*.

Penalty on collectors that neglect or refuse to administer the oath.

[SECT. 8.] That the justices, in their general sessions of the peace, shall take recognizances, with sufficient sureties, of all persons by them *l[i][y]cen[s][c]ed*, both as to their keeping good rule and order, and duly observing the laws relating to persons so *l[i][y]cen[s][c]ed*; as also for their duty and truly rendering an account in writing under their hands, as aforesaid, and paying their excise in manner as aforesaid; which recognizance shall be taken within the space of thirty days after the granting such *l[i][y]cen[s][c]e*; otherwise the person *l[i][y]cen[s][c]ed* shall lose the benefit of his or her *s[ai]d l[i][y]cen[s][c]e*.

General sessions to take recognizance.

And whereas, notwithstanding the laws made against selling strong drink without *l[i][y]cence*, many persons, not regarding the penalties<sup>[ie]</sup> and forfeitures<sup>[ei]</sup> in the said act, do receive and entertain persons in their houses, and sell great quantities<sup>[ie]</sup> of spirits and other strong drink without *l[i][y]cen[s][c]e* so to do, first had and obtained, by reason whereof great debaucheries<sup>[ie]</sup> are committed and kept secret, the end of this law in a great measure frustrated, and such as take *l[i][y]cences*, and pay the excise, greatly wronged and injured,—

Preamble.

*Be it therefore further enacted,*

[SECT. 9.] That whosoever, after the twenty-ninth day of June, one thousand seven hundred and thirty-two, shall presume to sell any brandy, rum or other distilled spirits, wine, beer, cyder, perry, or any other strong drink in any smaller quantity than a quarter cask (twenty gallons to be accounted a quarter cask), without *l[i][y]cen[s][c]e* first had and obtained from the general sessions in the peace, and recognizing in manner, as aforesaid, shall forfeit<sup>[ei]</sup> the sum of ten pounds; one half whereof to be for the use and benefit of the poor of the town where the offence shall be committed, and the other half to him who shall inform and sue for the same, and costs of prosecution; and all such as shall refuse or neglect to pay the fine aforesaid, shall stand closely and strictly committed in the common goal of the county for forty days at least, and not to have the liberty of the goaler's house or yard; and any goaler giving any person liberty contrary to this act, shall forfeit<sup>[ei]</sup> and pay ten pounds, to be employed in manner as aforesaid, and pay costs of prosecution, as aforesaid.

Forfeiture of £10 to sell without license.

[SECT. 10.] And if any person or persons not *l[i][y]cenced*, as aforesaid, shall order, allow, permit or connive at the selling of any strong drink, contrary to the true intent and meaning of this law, by his or her child or children, servant or servants, or any other person or persons belonging to, or in his or her house or family, and be thereof convict, he, she or they shall be reputed the offender or offenders, and shall suffer the same penalty<sup>[ie]</sup> as if he, she or they had sold such drink themselves: *unless* such person or persons will *bonâ fide* swear that he, she or they did not order, allow or permit<sup>[t]</sup> thereof, or connive thereat.

*And be it further enacted,*

Two persons' evidence sufficient.

[SECT. 11.] That two credible persons, declaring upon oath what they know of any facts that may be judged to be against this law, forbidding unlicen[s][c]ed persons to sell strong drink, shall be sufficient to convict such person or persons thereof, altho their testimony be to two different facts: *provided*, there be not more than the space of twenty days between the facts concerning which they declare.

Houses not licensed.

[SECT. 12.] That when and so often as it shall be observed that there is a resort of persons to houses suspected to sell strong drink without l[i][y]cence, any justice of the peace shall have full power to convene such persons before him, and examine them upon oath of the person suspected of selling or retailing strong drink in such houses, and on just ground to bind over the person transgressing, and the witnesses, to the next court of general sessions of the peace for the county where such offence shall be committed.

*And be it further enacted,*

Penalty on persons refusing to give evidence.

[SECT. 13.] That if any person or persons shall be summoned to appear before the grand jury to give evidence relating to any persons selling strong drink without l[i][y]cence, or to appear before the court of general sessions of the peace, or other court proper to try the same, to give evidence on the tryal of any person informed against, presented or indicted for the selling strong drink without l[i][y]cence, and shall neglect or refuse to appear, or to give evidence in that behalf, every person so offending shall forf[eit][ie]t and pay the sum of ten pounds, for the use of the county where the offence shall be committed; and when it shall so happen that witnesses are bound to sea before the sitting of the court, where any person or persons informed against for selling drink without l[i][y]cence, is or are to be prosecuted for the same, in every such case the deposition of any witness or witnesses in writing taken before two of his majesty's justices of the peace, *quorum unus*, in the county where the offence shall be committed, and sealed up and delivered into court (the adverse party having first had a notification in writing sent to him or her of the time and place of caption), shall be esteemed as sufficient evidence in the law to convict any person or persons offending against this act, as if such witness or witnesses had been present at the time of tryal and given his, her or their deposition *viva voce*.

Deposition of witnesses bound to sea, to be taken in writing before two justices, *quorum unus*.

[SECT. 14.] And every person or persons who shall be summoned to give evidence before two justices of the peace in manner as aforesaid, and shall neglect or refuse to appear, or to give evidence relating to the facts he or she shall be enquired of, shall be l[i][y]nable and subject to the same penalty as he or she would have been by virtue of this act for not appearing, or neglecting or refusing to give his or her evidence, before the grand jury or court as aforesaid.

Penalty on persons giving a false account.

[SECT. 15.] That every taverner, in[n]holder, common victualler or retailer, who shall be found to give a false acco[un][mp]t of any brandy, distilled spirits or wine by him or her at the time of his or her taking l[i][y]cen[s][c]e, or bought, distilled or taken in for sale afterwards, or refuse to give in an acco[un][mp]t on oath, as aforesaid, shall be rendered incapable of having a l[i][y]cence afterwards, and shall be prosecuted by the collector, for his [or her] neglect, and ordered by the general sessions of the peace to pay such sum of money as they may conclude that the excise of the liquors, &c., by him or her sold within such time would have amounted to, to be paid to the collector for the use of the province.

How the fines are to be recovered.

[SECT. 16.] All fines, forf[eit][ie]tures, and penalt[ie][y]s arising by this act, shall be recovered by bill, plaint or information, in any of his majesty's courts of record within the respective count[ie][y]s where

such offence shall be committed, or by presentment of the grand jury, who are hereby strictly enjoined to inform of and present all breaches of this act.

*Provided, always, and it is the true intent and meaning of this act,*

[SECT. 17.] That if any taverner, retailer or common victualler shall buy of another taverner or retailer such small quantit[ie][y]s of liquors as the law obliges him to acco[un][mp]t to the collector for, and pay the excise, the taverner, retailer or common victualler shall, notwithstanding, be accountable and pay the excise, as if none had been paid by the person he bought the same of. [*Passed June 29.*]

Proviso.

## CHAPTER 2.

### AN ACT PROVIDING PAY FOR KEEPING PETIT JURYS.

WHEREAS the several courts of justice established within this province, have for years past been in the constant practice of appointing persons under oath to keep the jury of tryals when they have causes committed to them between the crown and the subject, or between man and man, which usage hath been of great service, and tended to the more equal distribution of justice; *but, inasmuch* as there is no fee or allowance by law stated for such service,—

Preamble.  
1727-28, chap. 10.

*Be it enacted by His Excellency the Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

That the fee for keeping the juries in all such cases shall be one shilling and no more for each action; any law, usage or custom to the contrary notwithstanding. [*Passed July 7.*]

Fees for keeping juries.

## CHAPTER 3.

### AN ACT FOR ERECTING A NEW TOWN WITHIN THE COUNTY OF MIDDLESEX, AT THE NORTH PART OF TURKEY HILLS, SO CALLED, BY THE NAME OF TOWNSHEND.

WHEREAS the northerly part of Turkey Hills, so called, is competently filled with inhabitants, and who are now about settling a learned and orthodox minister among them, and have addressed this court that they may be set off a distinct and separate town, and be vested with all the powers and privileges of a town,—

Preamble.

*Be it therefore enacted by His Excellency the Governor, Council and Representatives in General Court assembled, and by the authority of the same,*

[SECT. 1.] That the northerly part of Turkey Hills, as hereafter bounded and described, be and hereby is set off and constituted a separate township by the name of Townshend; the bounds of the said township to be as followeth; vizt., beginning at a heap of stones at the north-west corner of Lunenburg; so running east thirty-one degrees and an half south, three thousand and fifty rods, to a heap of stones in Groton line; then bounded on Groton line, north, seventeen degrees and an half east, one thousand four hundred and forty rods, to a heap of stones at Groton north-west corner; from thence running due north,

A new town by the name of Townshend.

Bounds thereof.



leaving eighty acres out of the plan, to the town of Dunstable; then running from Dunstable west line, on the province land, west, thirty-one degrees and an half, north, two thousand two hundred and forty rods, to a tree marked; then running south, thirty-six degrees west, to the north-west corner of Lunenburg, where the bounds first began, one thousand nine hundred and twenty rods.

*Provided,*

Proviso.

[SECT. 2.] That nothing herein contained be construed to affect the right of the proprietors of the land called Hathorn's Farm; and that the inhabitants of the said lands, as before described and bounded, be and hereby are vested with the powers, privileges and immunities that the inhabitants of any of the towns of this province are or ought by law to be vested with.

*Provided,*

[SECT. 3.] That the said town of Townshend do within the space of two years from the publication of this act, procure and settle a learned, orthodox minister of good conversation, in said town, and make provision for his comfortable and honourable support. [*Passed June 29.*]

## CHAPTER 4.

### AN ACT FOR ERECTING A NEW TOWN WITHIN THE COUNTY OF WORCESTER, BY THE NAME OF HARVARD.

Preamble.

WHEREAS the inhabitants of the extreame parts of the towns of Lancaster, Groton and Stow have laboured under much difficulty and inconvenience by reason of their remoteness from the places of publick worship in the towns to which they respectively belong, and have supported the cost and charge of preaching among them for several years past, without any consideration from their towns, and have addressed this court for relief, and that they may be set off a distinct township by themselves,—

*Be it therefore enacted by His Excellency the Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

A new town by the name of Harvard.

[SECT. 1.] That the lands in the extreame parts of the towns of Lancaster, Groton and Stow, as the same are hereafter bounded and described, be and hereby are set off and constituted a sep[arate] rate and distinct township by the name Harvard; vizt., beginning at the southerly end of the causeway, near the house of Samuel Wilson, in Lancaster, and from thence running north-west and by west, till the line meets with Lancaster River; and from said causeway, running south-east and by east, to Lancaster east bounds; then running north-erly, in the east bounds of Lancaster, till it comes to Beaver Brook; then bounding on said brook till it comes to Littleton bounds; and then running on said Littleton line, near to the north-west corner thereof; vizt., so far that as a west-north-west line shall leave the dwelling-house of James Stone in Groton, six perch to the northward; and continuing the same course to Lancaster River, aforesaid, excepting Coyacus Farm, or so much thereof as shall fall within the bounds aforesaid; and to bound west on said river: and that the inhabitants of the said lands, as before bounded and described, be and hereby are vested with all the powers, privileges and immunities which the inhabitants of any town in this province are or by law ought to be vested with.

Bounds thereof.



*Provided,*

[SECT. 2.] That the freeholders and other inhabitants of the said town settle a learned and orthodox minister among them within the space of two years, and also erect an house for the publick worship of God. Proviso.

*And be it further enacted by the authority aforesaid,*

[SECT. 3.] That the aforesaid town of [*Harvard*] be and hereby is declared to be within the county of Worcester; any law, usage or custom to the contrary notwithstanding. [*Passed June 29; published July 1.* Harvard in the county of Worcester.

## CHAPTER 5.

AN ACT FOR APPORTIONING AND ASSESSING A TAX OF EIGHT THOUSAND AND SEVEN POUNDS SIXTEEN SHILLINGS; AND FOR ASSESSING A TAX OF EIGHTY POUNDS LAID ON THE TOWNS OF NEEDHAM, HATFIELD, SUTTON AND TIVERTON, FOR NOT SENDING THEIR REPRESENTATIVES; AND ALSO FOR APPORTIONING AND ASSESSING ONE OTHER TAX OF FOUR THOUSAND TWO HUNDRED AND SEVENTY-FOUR POUNDS FIVE SHILLINGS, PAID THE REPRESENTATIVES FOR THE YEAR 1731; AND A FURTHER TAX OF ONE THOUSAND TWO HUNDRED AND SIXTY-THREE POUNDS FIVE SHILLINGS, PAID HIS MAJESTY'S COUNCIL FOR THE YEAR 1731.

WHEREAS the great and general court or assembly of the province of the Massachusetts Bay in New England, at their session begun and held at Boston, on Wednesday, the twenty-third day of August, 1721, and continued by adjournment to Cambridge, unto the second day of March, following, did pass a grant of a tax on polls and estates, for the sum of six thousand pounds;\* and at their session held at Boston, upon Wednesday, the twenty-third day of November, 1725, did pass one other grant of a tax on polls and estates, for the further sum of ten thousand pounds;† and at their session begun and held at Boston, on Wednesday, the twenty-fifth day of May, 1726, did pass one other grant of a tax on polls and estates, for the further sum of five thousand pounds;‡ and at their session begun and held at Boston, upon Wednesday, the twenty-sixth day of May, 1731, and continued by several adjournments and prorogations, unto Wednesday, the first day of December following, did pass one other grant of a tax on polls and estates, for the sum of five thousand pounds, for the payment of his majesty's council and the representatives, which, with the impost and excise, was to be a fund or security for the payment and drawing in the sum of twenty-six thousand pounds, in bills of credit on this province, ordered to be issued out of the publick treasury for the service of the government, on the abovementioned years, and applied to the ends and uses in the said grants particularly enumerated and expressed; by the resolves of the courts that made the same it was ordered that the aforesaid sum of twenty-six thousand pounds should be apportioned, assessed and levied on polls, and estates both real and personal, within this province, according to such rules and in such proportion, upon the several towns and districts within this province, as shall be agreed and ordered by the court this present year; *wherefore*, for the ordering, directing, perfecting and calling in the aforesaid sum of twenty-six thousand pounds, it is hereby agreed and ordered that there shall be a tax of eight thousand and eighty-seven pounds sixteen shillings, levied and assessed on polls, and estates real and personal, on the several towns

1731-32, chap. 12, § 4.

\* NOTES to 1721-22, resolve (a.)

† NOTES to 1725-26, resolve (b.)

‡ NOTES to 1726-27, resolve (a.)

within this province, in such proportion as is in this act hereafter expressed, which said sum of eight thousand and eighty-seven pounds sixteen shillings, together with the dutys of impost, tunnage of shipping, and also the excise and incomes of bills lett out, and the lighthouse, amounting to the sum of thirteen thousand six hundred and seventeen pounds nineteen shillings, which, together with the sum of four thousand two hundred and seventy-four pounds five shillings, to be paid into the treasury by the towns for what was paid their respective representatives, will make up the sum of twenty-six thousand pounds, pursuant to the grants and funds aforesaid, which are unanimously approved, ratified and confirmed; we, his majesty's most loyal and dutiful subjects, the representatives in general court assembled, pray that it may be enacted,—

*And be it accordingly enacted by His Excellency the Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

[SECT. 1.] That each town and district within this province be assessed and pay, as such town's and district's proportion of the aforesaid sum of eight thousand and eighty-seven pounds sixteen shillings, the several sums following; that is to say,—

## IN THE COUNTY OF SUFFOLK.

	RECEIVED BY THE REPRESENTATIVES.	£181 16s. 0d.	PROVINCE TAX.	SUM TOTAL.
Boston, . .	One hundred eighty-one pounds sixteen shillings, . .	181 16s. 0d.	Fourteen hundred and eighty pounds, . .	£1,480 0s. 0d. £1,661 16s. 0d.
Roxbury, . .	Forty pounds sixteen shillings, . .	40 16 0	Seventy-two pounds two shillings and eightpence, . .	72 2 8
Dorchester, . .	Forty-six pounds four shillings, . .	46 4 0	Sixty-nine pounds fifteen shillings and fourpence, . .	69 15 4
Hingham, . .	Fifty pounds fourteen shillings, . .	50 14 0	Eighty-two pounds seventeen shillings and fourpence, . .	82 17 4
Bradree, . .	Fifty-four pounds twelve shillings, . .	54 12 0	Seventy-three pounds twelve shillings, . .	73 12 0
Dorham, . .	Fifty-two pounds sixteen shillings, . .	52 16 0	Fifty-three pounds six shillings and eightpence, . .	53 6 8
Medfield, . .	SIXTY pounds, including Hon. Adams' arrears, being six pounds six shillings, . .	60 0 0	Thirty-eight pounds ten shillings and eightpence, . .	38 10 8
Medway, . .	Fifty-five pounds four shillings, . .	55 4 0	Twenty-four pounds seven shillings and fourpence, . .	24 7 4
Weymouth, . .	Twenty-five pounds ten shillings, . .	25 10 0	Fifty-one pounds twelve shillings, . .	51 12 0
Milton, . .	Forty-seven pounds five shillings, . .	47 5 0	Forty pounds eleven shillings and fourpence, . .	40 11 4
Hull, . .	Forty-one pounds seventeen shillings, . .	41 17 0	Seventeen pounds eleven shillings and fourpence, . .	17 11 4
Wentham, . .	Fifty-one pounds fifteen shillings, . .	51 15 0	Forty-six pounds sixteen shillings and eightpence, . .	46 16 8
Needham, . .	Forty-three pounds sixteen shillings, . .	43 16 0	Twenty-nine pounds; four twenty pounds, . .	49 0 0
Bellingham, . .	Fifty-one pounds fifteen shillings, . .	51 15 0	Forty pounds five shillings and fourpence, . .	40 5 4
Walpole, . .	Forty-three pounds sixteen shillings, . .	43 16 0	Forty-three pounds two shillings and eightpence, . .	43 2 8
Stoughton, . .			Twenty-six pounds eighteen shillings and eightpence, . .	26 18 8
Brooklyn, . .				70 11 8
				£2,919 11s. 4d.

## IN THE COUNTY OF ESSEX.

	£91 10s. 0d.	PROVINCE TAX.	SUM TOTAL.
Salem, . .	Ninety-four pounds ten shillings, . .	94 10s. 0d.	£208 11s. 8s. 4d. £303 4s. 8s. 4d.
Ipswich, . .	Eighty-eight pounds four shillings, . .	88 4 0	208 0 8
Newbury, . .	Fifty-seven pounds, . .	57 0 0	177 3 4
Marblehead, . .	Fifty-five pounds sixteen shillings, . .	55 16 0	182 0 0
Lynn, . .	Fifty-one pounds nine shillings, . .	51 9 0	86 16 0
Andover, . .	Fifty-two pounds nineteen shillings, . .	52 19 0	99 2 0
Beverly, . .	Fifty-four pounds three shillings, . .	54 3 0	86 16 0
Roxbury, . .	Forty-nine pounds four shillings, . .	49 4 0	77 8 0
Salisbury, . .	Fifty-eight pounds sixteen shillings, . .	58 16 0	69 8 8
			65 5 4

## IN THE COUNTY OF ESSEX—Continued.

	RECEIVED BY THE REPRESENTATIVES.	£58 4s. 0d.	PROVINCE TAX.	£65 19s. 4d.	SUM TOTAL. £124 3s. 4d.
Haverhill.	Fifty-eight pounds four shillings.	51 18 0	Sixty-five pounds nineteen shillings and fourpence,	99 1 4	160 19 4
Gloicester.	Fifty-one pounds eighteen shillings,	46 4 0	Ninety-nine pounds one shilling and fourpence,	31 4 0	77 8 0
Topstead.	Forty-six pounds four shillings,	54 6 0	Thirty-one pounds four shillings,	33 0 8	87 6 8
Boxford.	Fifty-four pounds six shillings,	56 14 0	Sixty-three pounds two shillings,	63 2 0	119 16 0
Alm-bury.	Fifty-six pounds fourteen shillings,	48 15 0	Thirty-six pounds sixteen shillings and eightpence,	36 16 8	85 11 8
Bradford.	Forty-eight pounds fifteen shillings,	54 18 0	Twenty-one pounds twelve shillings,	31 12 0	86 10 0
Wendham.	Fifty-four pounds eighteen shillings,	0 0 0	Twenty-one pounds sixteen shillings,	21 16 0	21 16 0
Manchester.	.....	0 0 0	Thirteen pounds seventeen shillings and fourpence,	13 17 4	13 17 4
Methuen.	.....	0 0 0	Fifteen pounds,	15 0 0	15 0 0
Middleton.	.....	0 0 0			
					£2,518 8s. 0d.

## IN THE COUNTY OF MIDDLESEX.

	£46 4s. 0d.	£106 10s. 8d.	£106 14s. 8d.
Cambridge.	Forty-six pounds four shillings,	133 13 4	219 9 4
Charlestown.	Eighty-five pounds sixteen shillings,	70 10 0	116 14 0
Watertown.	Forty-six pounds four shillings,	80 0 0	135 16 0
Concord.	Fifty-five pounds sixteen shillings,	31 6 8	31 6 8
Weston.	.....	66 9 8	121 1 8
Woburn.	Fifty-four pounds twelve shillings,	58 17 4	89 9 4
Reading.	Thirty pounds twelve shillings,	67 15 7	107 19 7
Stadbury.	Forty pounds four shillings,	54 6 0	105 0 0
Marlborough.	Fifty pounds fourteen shillings,	44 12 0	98 6 0
Lexington.	Fifty-three pounds fourteen shillings,	54 16 0	101 0 0
Newton.	Forty-six pounds four shillings,	60 9 4	96 13 4
Malden.	Forty-six pounds four shillings,	45 13 8	87 4 8
Chelmsford.	Forty-one pounds eleven shillings,	54 10 1	110 6 1
Billerica.	Fifty-five pounds sixteen shillings,	25 2 0	25 2 0
Sherbourn.	.....	12 0 0	12 0 0
Holliston.	.....	48 16 3	101 18 3
Groton.	Fifty-three pounds two shillings,	51 0 8	99 0 8
Frammingham.	Forty-eight pounds,	24 2 0	63 2 0
Medford.	Thirty-nine pounds,	28 13 1	28 13 1
Stow.	.....		

	£0	0s. 0d.	£18 13s. 4d.	£18 13s. 4d.
Dunstable, . . . . .	.	.	.	.
Dracut, . . . . .	.	.	.	.
Stoullon, . . . . .	.	.	.	.
Littleton, . . . . .	.	.	.	.
Holkinton, . . . . .	.	.	.	.
Bedford, . . . . .	.	.	.	.
Westford, . . . . .	.	.	.	.
Wilmington, . . . . .	.	.	.	.
	£0	0s. 0d.	£18 13s. 4d.	£18 13s. 4d.
Eighteen pounds thirteen shillings and fourpence, . . . . .	0	0	15	1
Fifteen pounds one shilling and fourpence, . . . . .	0	0	15	1
Seventeen pounds eighteen shillings and eightpence, . . . . .	0	0	17	8
Twenty-three pounds fourteen shillings, . . . . .	0	0	23	14
Twelve pounds eighteen shillings, . . . . .	0	0	12	18
Twenty pounds thirteen shillings and threepence, . . . . .	0	0	20	13
Nineteen pounds six shillings and ninepence, . . . . .	0	0	19	6
Sixteen pounds five shillings, . . . . .	0	0	16	5
	£2,001	7s. 8d.		

## IN THE COUNTY OF HAMPSHIRE.

	£33	0s. 0d.	£91 14s. 0d.	£124 14s. 0d.
Springfield, . . . . .	.	.	.	.
Northampton, . . . . .	.	.	.	.
Bailev, . . . . .	.	.	.	.
Hatfield, . . . . .	.	.	.	.
Westfield, . . . . .	.	.	.	.
Southfield, . . . . .	.	.	.	.
Enfield, . . . . .	.	.	.	.
Deedfield, . . . . .	.	.	.	.
Sunderland, . . . . .	.	.	.	.
Northfield, . . . . .	.	.	.	.
Braunfield, . . . . .	.	.	.	.
	£33	0s. 0d.	£91 14s. 0d.	£124 14s. 0d.
Thirty-three pounds, . . . . .	26	2	65	2
Twenty-six pound two shillings, . . . . .	42	18	38	14
Forty-two pounds eighteen shillings, . . . . .	20	8	51	16
Twenty-nine pounds fourteen shillings, . . . . .	29	14	38	10
Twenty-eight pounds sixteen shillings, . . . . .	28	16	64	0
Twelve pounds twelve shillings, . . . . .	12	12	38	18
Forty-eight pounds eighteen shillings, . . . . .	48	18	11	2
Forty-eight pounds eighteen shillings, . . . . .	48	18	12	10
Forty-eight pounds eighteen shillings, . . . . .	48	18	13	6
	£678	12s. 8d.		

## IN THE COUNTY OF WORCESTER.

	£36	15s. 0d.	£22 15s. 8d.	£59 10s. 8d.
Worcester, . . . . .	.	.	.	.
Lancaster, . . . . .	.	.	.	.
Mendon, . . . . .	.	.	.	.
Woodstock, . . . . .	.	.	.	.
Brookfield, . . . . .	.	.	.	.
Southborough, . . . . .	.	.	.	.
Leicester, . . . . .	.	.	.	.
	£36	15s. 0d.	£22 15s. 8d.	£59 10s. 8d.
Thirty-six pounds fifteen shillings, . . . . .	50	8	62	16
Fifty pounds eight shillings, . . . . .	66	8	36	0
Forty-two pounds five shillings, . . . . .	27	6	32	0
Twenty-seven pounds six shillings, . . . . .	31	4	27	1
Thirty-one pounds four shillings, . . . . .	0	0	17	6
Seventeen pounds six shillings, . . . . .	0	0	13	19
Thirteen pounds nineteen shillings and fourpence, . . . . .	0	0	13	19
	£59	10s. 8d.		



IN THE COUNTY OF WORCESTER—Continued.

RECEIVED BY THE REPRESENTATIVES.	£0 0s. 0d.	PROVINCE TAX.			SUM TOTAL. £7 16s. 0d.
		Seven pounds sixteen shillings,	Eight pounds sixteen shillings,	Eighteen pounds sixteen shillings,	
Rutland, . . . . .	0 0 0	•	•	•	7 16 0
Lunenburg, . . . . .	0 0 0	•	•	•	18 2 0
Wenborough, . . . . .	0 0 0	•	•	•	14 14 0
Shrewsbury, . . . . .	0 0 0	•	•	•	14 4 0
Oxford, . . . . .	0 0 0	•	•	•	58 0 0
Sutton, . . . . .	13 10 0	•	•	•	12 0 8
Uxbridge, . . . . .	0 0 0	•	•	•	£546 9s. 8d.

IN THE COUNTY OF PLYMOUTH.

RECEIVED BY THE REPRESENTATIVES.	£25 10s. 0d.	PROVINCE TAX.			SUM TOTAL. £103 5s. 4d.
		Seventy-seven pounds fifteen shillings and fourpence,	Eighty-four pounds ten shillings and fourpence,	Eighty-four pounds ten shillings and fourpence,	
Plymouth, . . . . .	47 2 0	•	•	•	49 10 8
Plymouth, . . . . .	48 0 0	•	•	•	103 5 4
Scituate, . . . . .	55 7 0	•	•	•	139 17 0
Bridgewater, . . . . .	36 15 0	•	•	•	61 2 0
Marshfield, . . . . .	42 6 0	•	•	•	69 6 8
Pembroke, . . . . .	42 6 0	•	•	•	74 8 0
Duxborough, . . . . .	42 6 0	•	•	•	32 2 0
Middleborough, . . . . .	51 18 0	•	•	•	54 4 8
Rochester, . . . . .	54 18 0	•	•	•	106 2 8
Abington, . . . . .	0 0 0	•	•	•	113 6 0
Kingston, . . . . .	0 0 0	•	•	•	24 4 0
Hanover, . . . . .	0 0 0	•	•	•	24 4 0
	0 0 0	•	•	•	23 14 0
					£1,024 2s. 8d.

IN THE COUNTY OF BRISTOL.

RECEIVED BY THE REPRESENTATIVES.	£57 6s. 0d.	PROVINCE TAX.			SUM TOTAL. £118 9s. 4d.
		Sixty-one pounds three shillings and fourpence,	Eighty-three pounds ten shillings and fourpence,	Eighty-three pounds ten shillings and fourpence,	
Bristol, . . . . .	38 14 0	•	•	•	83 10 4
Taunton, . . . . .	0 0 0	•	•	•	20 4 0
Ravensham, . . . . .	42 18 0	•	•	•	36 1 4
Norton, . . . . .	0 0 0	•	•	•	13 10 8
Easton, . . . . .	0 0 0	•	•	•	

	£50 14s. 0d.	One hundred twenty-three pounds seven shillings and fourpence,	£123 7s. 4d.	£174 1s. 4d.
Dartmouth, . . . . .	56 14 0	Thirty-two pounds fourteen shillings, . . . . .	32 18 0	89 12 0
Dighton, . . . . .	56 8 0	Fifty-six pounds fourteen shillings, . . . . .	95 16 0	152 4 0
Rehoboth, . . . . .	32 8 0	Fifty-six pounds eight shillings, . . . . .	68 18 8	101 6 8
Little Compton, . . . . .		Thirty-two pounds eight shillings, . . . . .		
Swansey and . . . . .				
Slucwamat, . . . . .	52 19 0	Fifty-two pounds nineteen shillings, . . . . .	78 4 8	131 3 8
Tiverton, . . . . .	38 18 0	Thirty-six pounds eighteen shillings, . . . . .	57 13 4	94 11 4
Freetown, . . . . .	0 0 0	Twenty-nine pounds eighteen shillings, . . . . .	29 18 0	29 18 0
Attleborough, . . . . .	51 12 0	Forty-six pounds seventeen shillings and fourpence, . . . . .	46 17 4	98 9 4
Barrington, . . . . .	0 0 0	Twenty-eight pounds ten shillings, . . . . .	28 10 0	28 10 0
				£1,253 4s. 0d.

## IN THE COUNTY OF BARNSTABLE.

	£31 10s. 0d.	One hundred and one pounds four shillings and eightpence,	£101 4s. 8d.	£132 14s. 8d.
Thirty-one pounds ten shillings,	.	Sixty-two pounds two shillings and eightpence,	62 2 8	83 2 8
Barnstable,	.	Sixty-four pounds seventeen shillings and fourpence,	64 17 4	102 19 4
Yarmouth,	.	Seventy-four pounds seven shillings and fourpence,	74 7 4	131 13 4
Sandwich,	.	Twenty-eight pounds sixteen shillings,	28 16 0	28 16 0
Eastham,	.	Thirteen pounds ten shillings and eightpence,	13 10 8	13 10 8
Falmouth,	.	Forty-six pounds seven shillings and fourpence,	46 7 4	90 3 4
Provincetown,	.	Thirty-two pounds one shilling and fourpence,	32 1 4	32 1 4
Harwich,	.	Twenty-four pounds four shillings,	24 4 0	24 4 0
Chatham,	.			
				£639 5s. 4d.

## IN THE COUNTY OF YORK.

		£60 18s. 0d.	£57 3s. 4d.	£128 1s. 4d.
• Sixty pounds eighteen shillings, . . . . .	• . . . .		• . . . .	
• Thirty-five pound two shillings, . . . . .	• . . . .	35 2 0	• . . . .	120 3 4
• Fifteen pounds six shillings, . . . . .	• . . . .	15 6 0	• . . . .	64 14 0
• York, . . . . .				
• Kittery and . . . . .				
• Shoals, . . . . .				
• Berwick, . . . . .				

• 86c.

IN THE COUNTY OF YORK—Continued.

RECEIVED BY THE REPRESENTATIVES.		PROVINCE TAX.		SUM TOTAL.
		£55 4s. 0d.		
Wells, . . . . .	Fifty-five pounds four shillings, . . . . .	57 12 0	Forty pounds six shillings, . . . . .	£40 6s. 0d.
Falmouth, . . . . .	Fifty-seven pounds twelve shillings, . . . . .	0 0 0	Twenty-one pounds two shillings, . . . . .	£25 10s. 0d.
Bideford, . . . . .	. . . . .	0 0 0	Fourteen pounds twelve shillings and eightpence, . . . . .	78 14 0
Arundel, . . . . .	. . . . .	0 0 0	Nine pounds five shillings and fourpence, . . . . .	14 12 8
Scarborough, . . . . .	. . . . .	0 0 0	Eighteen pounds four shillings, . . . . .	9 5 4
				18 4 0
				£519 4s. 8d.

IN THE COUNTY OF DUKES COUNTY.

Edgartown, . . . . .	Twenty-five pounds sixteen shillings, . . . . .	£25 16s. 0d.	Thirty-two pounds, . . . . .	£32 0s. 0d.	£57 16s. 0d.
Chilmark, . . . . .	. . . . .	0 0 0	Thirty-six pounds four shillings, . . . . .	36 4 0	36 4 0
Tisbury, . . . . .	. . . . .	0 0 0	Eighteen pounds six shillings, . . . . .	18 6 0	18 6 0
					£112 6s. 0d.

IN NANTUCKET COUNTY.

Sherbourn, . . . . .	Fifteen pounds six shillings, . . . . .	£15 6s. 0d.	One hundred and four pounds, . . . . .	£104 0s. 0d.	£119 6s. 0d.
	Which makes in the whole of what the representatives received, . . . . .	£4,274 5s. 0d.	Amounting, in the whole, to the sum of twelve thousand three hundred and sixty-two pounds one shilling, . . . . .	. . . . .	£12,362 1s. 0d.

*And be it further enacted by the authority aforesaid,*

[SECT. 2.] That the treasurer do forthwith send out his warrants, directed to the selectmen or assessors of of each town or district within this province, requiring them, respectively, to assess the sum hereby sett upon such town or district, in manner following; that is to say, to assess all rateable male polls above the age of sixteen years, at thirty-two pence per poll, and proportionably in assessing the additional sum received out of the treasury for the payment of the representatives (excepting the governour, lieutenant-governour and their families, president, fellows and students of Harvard College, settled ministers and grammar-school masters, who are hereby exempted as well from being taxed for their polls, as for their estates being in their own hands and under their actual management and improvement); and other persons (if such there be) who, through age, infirmity or extream poverty in the judgment of the assessors, are not capable of paying towards publick charges, they may except their polls and so much of their estates, as in their prudence they shall think fitt and judge meet: and the justices in general sessions in the respective countys assembled, in granting a county tax or assessment, are hereby ordered and directed to apportion the same on the several towns in such county in proportion to their province rate, and exclusive of what has been paid out of the publick treasury to the representative of such town for his service; and the assessors of each town in the province are also directed in making any assessment, to govern themselves by the same rule; and all estates, both real and personal, lying within the limitts and bounds within such town or district, or next unto the same, not paying elsewhere, in whose hand, tenure, occupation or possession soever the same is or shall be found, and income by trade or faculty which any person or persons (except as before excepted) do or shall exercise in gaining, by money or other estate not particularly otherwise assessed, or commissions of profit in their improvement, according to their understanding and cunning, at one penny on the pound; and to abate or multiply the same, if need be, so as to make up the sum hereby sett and ordered for such town or district to pay; and in making up their assessments to estimate houses and lands at six years' income of the yearly rents wherent the same may be sett or reasonably lett for in the places where they lye: *saving* all contracts between landlord and tenant, and where no such contract is, the landlord to reimburst one-half of the tax sett upon such houses and lands; and to estimate Indian, negro and mollatto servants or slaves, proportionably as other personal estate, according to their sound judgment and discretion: and also to estimate every ox of four years old and upwards, at forty shillings; every cow of three years old and upwards, at thirty shillings; every horse and mare of three years old and upwards, at forty shillings; every swine of one year old and upwards, at eight shillings; every sheep and goat of one year old and upwards, at three shillings: likewise requiring the assessors to make a fair list of the said assessment, setting forth, in distinct columns, against each particular person's name, how much he or she is assessed at for polls, and how much for houses and lands, and how much for personal estate and income by trade or faculty; and the list or lists so perfected and signed by them or the major part of them, to commit to the collectors, constable or constables of such town or district, and to return a certificate of the name or names of such collectors, constable or constables, together with the sum totall to each of them respectively committed, unto himself, some time before the last day of October next.

[SECT. 3.] And the treasurer for the time being, upon receipt of such certificate, is hereby impowred and ordered to issue forth his warrants to the collectors, constable or constables of such town or dis-

trict, requiring him or them, respectively, to collect the whole of each respective sum assessed on each particular person, before the last day of March next; and of the inhabitants of the town of Boston, to collect their proportion some time in the month of January foregoing; and to pay in their collection, and issue the accompts of the whole, at or before the last day of May next, which will be in the year of our Lord one thousand seven hundred and thirty-three.

*And be it further enacted by the authority aforesaid,*

[SECT. 4.] That the assessors of each town and district, respectively, in convenient time before their making the assessment, shall give seasonable warning to the inhabitants, in a town meeting, or by posting up notifications in some place or places in such town or district, or otherwise to notify the inhabitants to give or bring in to the said assessors true and perfect lists of their polls and ratable estates; and if any person or persons shall neglect or refuse so to do, or bring in a false list, it shall be lawful to and for the said assessors to assess such person or persons, according to their known ability in such town, in their sound judgment and discretion, their due proportion to this tax, as near as they can, agreeable to the rules herein given, under the penalty of twenty shillings for each person that shall be convicted by legall proof, in the judgment of the assessors, of bringing in a false list; the said fines to be for the use of the poor of such town or district where the delinquent lives, to be levied by warrant from the assessors, directed to the collector or constable, in manner as is directed for gathering town assessments, and to be paid unto the town treasurer or selectmen for the use aforesaid: *saving* to the party agrieved at the judgment of the assessors in setting forth such fine, liberty of appeal therefrom to the court of general sessions of the peace within the county, for relief, as in case of being overrated.

[SECT. 5.] And if the party be not convicted of any falseness in the list, by him presented, of polls, ratable estates, or income by trade or faculty which he doth or shall exercise in gaining, by money at interest or otherwise, or other estate not particularly assessed, such list shall be a rule for such person's proportion to the tax, which the assessors may not exceed.

*And whereas*, ofttimes, sundry persons not belonging to this province, bringing in considerable goods and merchandize, and by reason that the tax or rate of the town where they come to trade or traffick is finished, and delivered to the constables or collectors, and, before the next year's assessment, are gone out of the province, and so paying nothing towards the support of the government, thò in the time of their residing here they reaped considerable gain by trade, and had the protection of this government,—

*Be it therefore enacted by the authority aforesaid,*

[SECT. 6.] That when any such person or persons shall come and reside in any town of this province for the space of twenty days, and bring any merchandize, and trade and deal therewith, the assessors of such towns are hereby impowred to rate and assess all such persons according to their circumstances, pursuant to the rules and directions in this act provided, thò the former rate may have been finished, and the new one not perfected, as aforesaid; and the constables or collectors are hereby enjoyned to levy and collect all such sums committed unto them and pay the same into the treasury of such town. [Passed July 7.]



# ACTS

PASSED AT THE SESSION BEGUN AND HELD AT BOSTON,  
ON THE FIRST DAY OF NOVEMBER, A.D. 1732.

## CHAPTER 6.

AN ACT FOR PREVENTING UNNECESSARY EXPENCE OF TIME IN THE ATTENDANCE OF PETIT JURORS ON THE SEVERAL COURTS OF JUSTICE, AND FOR THE ENLARGING THEIR FEES, AND THE ALLOWANCE TO WITNESSES IN CIVIL CAUSES.

WHEREAS the fee already allowed by law to the petit jury for each verdict is thirteen shillings, and the allowance to witnesses in civil causes for their attendance, travel and expences is but two shilling[s] *per diem*, which allowances are so small that the same will by no means defr[u][e]y their charges; and inasmuch as jurors are oftentimes detained at the trial and hearing of cases which do not come to them by reason of the agreement of the parties, abatement of the writ[t] or that the pla[i]ntiff or appellant, for some failure, discontinues his suit, or becomes nonsuit, and frequently (especially in the inferior court[s] of common pleas), judgment is entered up against the defend[e][a]nts by default; by means whereof great part of the jur[ie][y]s' time is unnecessarily taken up, for which they have no allowance by law, and yet are obliged to give their attendance during the whole time of the court's sitting, until the actions are gone through, and finish'd; wherefore,—

*Be it enacted by His Excellency the Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

[SECT. 1.] That the fee or allowance to be paid to the petit jury be, henceforward, nineteen shillings for each verdict, as well in criminal as in civil causes, whereof two shillings and sixpence shall be to the foreman, and one shilling and sixpence apiece to the other jurors; and that in the inferior court of common pleas, and court of general sessions of the peace, to be held in the county of Suffolk, the petit j[u]rors shall not be obliged to give their attendance before the second Tuesday of the court's s[i][c]tting and in the count[ie][y]s of Essex, Middlesex, Hampshire, Worcester, Plymouth, Barnstable, Bristol, York and Dukes County, in the inferior court of common pleas, and court of general sessions of the peace, to be there held, the petit jurors shall not be obliged to give their attendance till the second day of the court's sitting; to the end that the said court[s] may proceed upon and determine all pleas in bar and abatement of writ[t]s, and all such actions as will not be committed to the jury, so that their time and attendance be not unnecessarily taken up and delayed; and the clerks of the respective courts aforesaid are hereby ordered and directed in making out writ[t]s of *venire facias*, for the choice of petit jurors, to give directions accordingly.

Preamble.

1701-2, chap. 5,  
§ 6.

1716-17, chap. 17,  
§ 2.

Fees for petit jurors.

Time for jurors' attendance at the respective courts, &c.

No action to be entered after the first day. Pleas in bar and abatement, when to be made.

Pleas in bar and abatement after default.

Allowance to witnesses.

Limitation.

*And be it further enacted by the authority aforesaid,*

[SECT. 2.] That no action be entered after the first day of the court's sitting; and that all pleas in bar and abatement arising on the writ[t] be [e]ither entered thereon, or filed with the clerk of the court before the jury be impanelled; and that if the defendant in any action suffer a default, and shall afterwards come into court and move for a trial of his case, and be admitted thereto, and make pleas in bar or abatement of the writ[t] before he be allowed to make such pleas, he shall pay to the clerk, for the use of the jurors attending such court, twelve shillings, to be equally divided among them.

*And be it further enacted by the authority aforesaid,*

[SECT. 3.] That witnesses in civil causes shall be allowed and paid by the party serving them with *subpoena*, the sum of three shillings per diem each, which shall be accounted due satisfaction to any witness for his travel, expences and attendance, accounting ten miles' travel to a day.

[SECT. 4.] This act to continue in force for the space of five years from the publication thereof. [*Passed January 4; published January 6, 1732-33.*]

## CHAPTER 7.

### AN ACT FOR THE RELIEF OF POOR PRISONERS FOR DEBT.

Preamble.

1698, chap. 11.  
1725-26, chap. 9.  
1727-28, chap. 9.

WHEREAS, by the law of this province, no provision is made for the support of prisoners for debt, whereby such prisoners may greatly suffer in goal; for remedy whereof,—

*Be it enacted by His Excellency the Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

Proceedings upon the prisoner's desire of a release.

[SECT. 1.] That when any person stands committed for debt or damages upon execution, and shall complain that he or she hath not estate suffi[cie]nt to support him- or herself in prison, the goaler or keeper of such prison, shall thereupon, at the charge of the prisoner, be obliged to apply to some one of his majesty's justices of the peace, for a notification to be served on the creditor or creditors (if within twenty miles) at whose suit such prisoner is in custody, thereby signifying to him or them such prisoner's desire of taking the privilege and benefit allowed in and by this act, and of the intended caption of his or her oath in order thereunto; after which the goaler shall be obliged, without any unnecessary delay, to carry such prisoner before said justice, who shall, at and upon the desire and request of such prisoner, administer to him or her the following oath; vizt.,—

Prisoner's oath.

I, A. B., do, upon my oath, solemnly profess and declare before Almighty God, that I have not any estate, real or personal, in possession, reversion or remainder, sufficient to support myself in prison, or to pay prison charges; and that I have not, directly or indirectly, sold, leased, or otherwise conveyed or disposed of to, or intrusted any person or persons whomsoever, with all or any part of estate, real or personal, whereof I have been the lawful owner or possessor, with any intent or design to secure the same, or to receive or expect any profit or advantage therefrom, or done, caused or suffered to be done, anything else whatsoever whereby any of my creditors may be defrauded.

Prisoners to be set to work.

—which said oath being taken by such prisoner, the goaler or keeper is hereby directed and impow[er]ed to set him or her to work in the prison or dependencies thereof, and out of his or her earnings to receive six

shillings per week, for his or her diet, for the space of two months, and the remainder thereof, if any there be, for the use of such prisoner.

*And be it further enacted by the authority aforesaid,*

[SECT. 2.] That if the creditor or creditors live so far distant as not to be notified as aforesaid, then the justice before whom such oath shall be taken, shall within ten days after the caption of the same, give certificate thereof in writing, under his hand and seal, to such prisoner, to be served on such creditor or creditors by his or her executors, administrators, agent or attorney, or to be left at the place of the usual abode of such person or persons at whose suit such prisoner stands charged or imprisoned.

Distant creditor to be certified.

*And be it further enacted by the authority aforesaid,*

[SECT. 3.] That in case any such prisoner shall be convicted of having sold, leased or otherwise conveyed or disposed of, or intrusted his or her estate, or any part thereof, directly or indirectly, contrary to the foregoing oath, such prisoner shall not only be liable to the pains and penalties mentioned in the law for punishing of willful perjury, but shall receive no benefit from the said oath, anything in this act notwithstanding.

Penalty for a false oath.

*Provided, always,—*

*And be it further enacted by the authority aforesaid,*

[SECT. 4.] That when such prisoner or prisoners for debt shall have taken the oath, as before prescribed, and shall have duly certified his or her creditors thereof, by serving them or their executors, administrators, agents or attorney with such certificate, or leaving the same at their usual place of abode, if then such creditors, or their executors, administrators, agent or attorney shall not within the space of fifty days from and after their being so certified, make any discovery of any estate of such prisoner or prisoners, nor disprove the said oath, that then the said creditors shall at their own cost and charge, allow and pay weekly to the said prisoner or prisoners, five shillings per week for each prisoner, towards his, her or their support while he, she or they are detained in prison, and upon non-payment of the same weekly, or refusing to give sufficient security therefor to the sheriff of the county, such prisoner or prisoners shall be set at liberty.

Prisoner to be discharged, or maintained by the creditor, in case.

*Provided, also,—*

*And be it further enacted by the authority aforesaid,*

[SECT. 5.] That notwithstanding the discharge of the person of such prisoner as aforesaid, upon taking the oath aforesaid, all and every judgment had and given against him or her, shall be and remain good and effectual in law, to all intents and purposes, against the lands, tenements, goods and chattels that may then or at any time afterwards belong to such prisoner discharged as aforesaid.

Proviso, that the prisoner's estate shall be liable to execution.

[SECT. 6.] And it shall and may be lawful to and for such creditor of such prisoner discharged as aforesaid, his executors, administrators, agent or attorney, to take out any new execution, to which shall be added, by the clerk of the court from whence the execution issues, the charge, if any there be, that the creditors have been at, for the prisoner's support, at five shillings as aforesaid; such creditor or creditors first making oath before the clerk to the truth of what he, she or they shall charge to said prisoner, for his or her support, against the lands, tenements, hereditaments, goods and chattels of such prisoner (his or her wearing appar[r]el[1], bedding for him and his or her family, and tools necessary for his or her trade and occupation, only excepted) for the satisfaction of his or her debt in such sort and manner as he might have done if the person of such prisoner had never been taken in execution.

Charges for supporting the prisoner to be added.

Apparel, bedding and tools for his occupation excepted.

Remedy against  
a false charge  
for support.

*And be it further enacted by the authority aforesaid,*  
[SECT. 7.] That if the debtor shall be aggrieved with the charge added by the clerk to said new execution, such debtor shall and may sue for and recover of the creditor or creditors before any court proper to try the same, fourfold the sum which hath been levied upon him or her, the said prisoner, and shall be made to appear to such court to be unjustly or falsely charged by the creditor or creditors for his or her support as aforesaid.

Remedy against  
the jailer's re-  
fusal to dis-  
charge the pris-  
oner.

*Provided, also,*  
[SECT. 8.] That if the goaler or keeper of any prison shall refuse or delay to discharge and set at liberty any prisoner, contrary to the true intent and meaning of this act, every such goaler or keeper shall forfeit and pay to such prisoner detained contrary to this act, the sum for which he or she stands committed, to be recovered by action of debt, in any court of record proper to try the same.

Prisoner to sat-  
isfy his debt by  
service.

*Provided, nevertheless,*  
[SECT. 9.] That if any creditor shall desire to have his or her debtor (being able of body, and not having a husband, wife or family) to labour for satisfaction of such debt, by service, the justices of the court of general sessions of the peace within the same county, shall direct and order the term for which such debtor shall serve; and the creditor is hereby directed and empowered to retain him or her in service during such term.

Proviso.

*Provided, also,*  
[SECT. 10.] That this act shall not extend to any person or persons in execution for any fine on him, her or them imposed.

Limitation.

[SECT. 11.] This act to continue and be in force for the space of three years from the publication thereof, and from thence to the end of the then next session of the general court, and no longer. [*Passed January 4; published January 6, 1732-33.*]

## CHAPTER 8.

### AN ACT FOR THE TRIAL OF CAPITAL OFFENCES AND OTHER HIGH MISDEMEANORS COMMITTED IN THE ISLAND OF NANTUCKET.

Preamble.

WHEREAS there is no time appointed by law for the holding of a superiour court of judicature, court of assize and general goal delivery, in and for the island of Nantucket, so that as occasion has required, a special court has been appointed for the trial of offenders there, which has proved both expensive and inconvenient, especially when the justices of the superiour court of judicature, court of assize and general goal delivery, are obliged to attend such tryals; and whereas there is annually a superiour court of judicature, court of assize and general goal delivery holden at Barnstable, for the count[ie][y]s of Barnstable and Dukes County, which are the next adjacent countys, and not very remote from the said island,—

*Be it therefore enacted by His Excellency the Governor, Council and Representatives in General Court assembled, and by the authority of the same,*

Capital offences  
and high misde-  
meanors com-  
mitted in Nan-  
tucket, to be  
tried in the  
county of Barn-  
stable.

[SECT. 1.] That from henceforth all capital offences and other high misdemeanours committed within the said island of Nantucket, and the dependences thereof, shall be heard, tried and determined at the superiour court of judicature, court of assize and general goal delivery, to be, from time to time, held at Barnstable, for the count[ie][y]s of Barnstable and Dukes County; and the justices of the said court shall be and



hereby are fully authorized and impowe[re]d to proceed to trial of all such capital offences and high misdemeanours committed within the said island of Nantucket, and the dependencies thereof, as shall come before them at Barnstable, aforesaid, give judgment therein, and award execution thereupon.

*And be it further enacted by the authority aforesaid,*

[SECT. 2.] That in all capital offences or high misdemeanours committed in the said island of Nantucket, to be tried at the superiour court of judicature, court of assize and general goal delivery, to be holden at Barnstable as aforesaid, upon notice thereof given to the clerk of the said court, he shall and is hereby directed and impowered to issue out writts of *venire facias* for the choice of six grand jurors and four petit jurors, belonging to the said island of Nantucket, and qualified as in his majesty's royal charter is directed, to serve at the said superiour court of judicature, court of assize and general goal delivery, to be holden at Barnstable as aforesaid, upon the trial of any capital offences or high misdemeanours committed in the said island of Nantucket. [*Passed January 4; published January 6, 1732-33.*]

Jurors to be sent from Nantucket.

## CHAPTER 9.

### AN ACT IN FURTHER ADDITION TO AND EXPLANATION OF AN ACT IN ADDITION TO AN ACT FOR ERECTING OF A POWDER-HOUSE IN BOSTON.

WHEREAS the forfeitures for keeping a greater quantity of gunpowder than is allowed by law, in any of the houses or warehouses in the town of Boston, as provided in an act made and passed in the second year of his late majesty's reign, entit[u]led, "An Act in addition to an Act for erecting a powder-house in Boston," are found not sufficient to prevent the breaches of that act,—

Preamble.

1715-16, chap. 12

*Be it therefore enacted by His Excellency the Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

[SECT. 1.] That there shall be a further sum of five pounds penalty, making in the whole ten pounds, for every half-barrel[1] of powder, and so *pro rato*, kept in any house or warehouse contrary to that act.

Fine for keeping too much gunpowder.

*And whereas* some doubts have arisen about the forfeiture of powder when found and informed against,—

*Be it further declared by the authority aforesaid,*

[SECT. 2.] That when any quantity of powder is found to be in any house or warehouse other than by law is permitted, all such powder, as well the quantity allowed, as the overplus, shall, upon conviction, be declared forfeited; and if any person selling or retailing powder, shall lodge any powder in any of his out-houses, or buildings in his yard, garden or any of the dependencies thereof, more than by that law he may, the whole quantity shall be forfeited as aforesaid.

The whole powder to be forfeited when it exceeds what is allowed by law.

[SECT. 3.] The said forfeitures to be recovered in manner as is provided in the aforesaid act. [*Passed January 4; published January 6, 1732-33.*]



## CHAPTER 10.

AN ACT FOR ERECTING ALL THE LANDS ON THE EASTERLY SIDE OF THE RIVER MERRIMACK, BELONGING TO THE TOWN OF DUNSTABLE INTO A TOWNSHIP BY THE NAME OF NOTTINGHAM.

## Preamble.

WHEREAS the inhabitants of the town of Dunstable, on the easterly side of the river Merrimack, labour under great difficulties in their attendance on the publick worship of God, and thereupon have addressed this court that they may be set off a separte and distinct township, that they may be vested with all the powers and privileges of a town,—

*Be it therefore enacted by His Excellency the Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

Land belonging to Dunstable, on the east side of Merrimack River, made a town.

[SECT. 1.] That all the lands on the easterly side of the river Merrimack, belonging to the town of Dunstable, be and hereby are set off and constituted a separte township by the name of Nottingham, and that the inhabitants of the said lands be and hereby are accordingly endowed and vested with all powers, privileges, immunities and advantages which other towns in this province by law have and enjoy.

[SECT. 2.] And the inhabitants of the said town of Nottingham are hereby enjoined and required, within the space of three years from the publication of this act, to procure and settle a learned, orthodox minister of good conversation, and make provision for his comfortable and honourable support. [*Passed January 4; published January 6, 1732-33*]

# ACTS

PASSED AT THE SESSION BEGUN AND HELD AT BOSTON,  
ON THE FOURTH DAY OF APRIL, A.D. 1733.

## CHAPTER 11.

AN ACT FOR GRANTING THE SUM OF THREE THOUSAND POUNDS FOR  
THE SUPPORT OF HIS MAJESTY'S GOVERNOUR.

*Be it enacted by His Excellency the Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

That the sum of three thousand pounds in bills of publick credit on this province, be and hereby is granted unto his most excellent majesty, to be paid out of the publick treasury to his excellency Jonathan Belcher, Esq<sup>r</sup> captain-general and governour-in-ch[ie][ei]f in and over this his majesty's province of Massachuset[t]s Bay, to enable him to go on in managing the publick affairs. [*Passed April 26; published April 28, 1733.*]

## CHAPTER 12.

AN ACT IN EXPLANATION OF, AND ADDITION TO, AN ACT ENTITLED  
"AN ACT TO PREVENT UNNECESSARY LAWSUITS."

WHEREAS by an act made and pass'd in the fourth year of his present majesty's reign, entitled "An Act to prevent unnecessary lawsuits," it is provided, that where any person is sued in a plea of debt due by book, he may plead what is due upon his book by way of balance to the plaintiff[f]'s book, upon which many doubts have arisen and may arise; *wherefore*, for the explanation thereof,—

*Be it enacted and declared by His Excellency the Governor, Council and Represent[at]ives in General Court assembled, and by the authority of the same,*

[SECT. 1.] That the true intent and meaning thereof is, that if any person be sued in any action, either of debt or of the case, for any sum of money due upon contract between the parties for any goods sold, or service done, whether the account be open, or a balance thereof be made and signed by the parties (except specialties and express contracts in writing), he may either plead specially, or, upon the general issue, give in evidence, what is due upon his book by way of balance to the plaintiff[f]'s demand, and be admitted to all such method and course of proving his account as any plaintiff[f] upon his suit might.

Preamble.  
1730-31, chap. 7

Accounts, open  
or balanced,  
admitted as evi-  
dence.

Defendant's  
book admitted  
as evidence  
against the  
plaintiff's de-  
mand.  
8 Mass., 420, 452.  
10 Mass., 224.  
15 Mass., 406.

## Preamble.

*And inasmuch* as it hath sometimes happened, that when two persons have, at the same time, execution against each other, one of them absconds and leaves a power of attorney with some other person to receive the money due on his execution, and by his absconding as aforesaid, avoids paying the other execution; for prevention whereof, and such like inconveniences for the future,—

*Be it enacted by the authority aforesaid,*

One execution  
to answer an-  
other.

7 Mass., 142, 143.

[SECT. 2.] That when and so often as it shall happen that the sheriff[*f*], his deputy, or any coroner, or his deputy, or constable, shall, at the same time, have several executions, wherein the creditor in one execution is debtor in the other, that in such case such officer or officers are hereby impowered and directed to cause one execution to answer and satisfy the other, so far as the same will extend.

*Provided, always,*

## Proviso.

[SECT. 3.] That this act shall not be construed to extend to any judg[e]ments and executions, wherein the creditor in one execution is not, in the same capacity and trust, debtor in the other. [*Passed April 26; published April 28, 1733.*]

## CHAPTER 13.

### AN ACT IN ADDITION TO AN ACT ENTITLED "AN ACT FOR REVIEW IN CIVIL CAUSES."

## Preamble.

1701-2, chap. 6.

WHEREAS in and by an act of this province, entitled "An Act for review in civil causes," made and pass'd in the thirteenth year of the reign of his late majesty King William the Third, it is enacted, "That it shall be in the liberty of the party aggrieved at the judg[e]ment given in any inferiour court of common pleas, or in the superiour court of judicature, respectively, by new process, to review the said cause once in each court"; and it is also thereby further enacted, "That execution shall not be stay'd or suspended for or by reason of any process of review"; w[*h*]ch law by experience hath been found to be, in general, good and wholesome; but by reason of the last mentioned clause of the act, it hath frequently happened, in cases where the plaintiff in the original action hath obtained judgem[en]t against the defendant upon the appeal at the superiour court of judicature, whereupon execution hath immediately issued, and the original defendant, either by means of the said plaintiff's living out of the province, or of his insolvency, or of his suing as executor or administrator, hath been defeated of duly serving his writ[t] of review, or finally lost, or been put to great difficulty to recover back, the money levied by execution, altho' he prosecuted his writ[t] of review at the next superiour court of judicature, and judg[e]m[en]t the[i]r[e] rendred for reversing the former judg[e]ment, with costs; which is such an hardship upon the original defendant that he lo[o]ses the good effects intended by the said law; for remedy whereof for the future,—

*Be it enacted by His Excellency the Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

Execution on  
judgments on  
the appeal to be  
staid, in case.

[SECT. 1.] That where the original plaintiff in any personal action, now depending or hereafter to be commenced, upon the tryal of the appeal at the superiour court, shall obtain judgm[en]t against the original defendant, for any sum or sums of money or other things sued for, and costs; in all such cases such defendant entring into bonds at the time of making up the said judgm[en]t, with sufficient security,

to be approved of by the said court, with condition to prosecute a writ[t] of review of the said action with effect, at the next superiour court of judicature to be holden within and for the same county, and to answer and pay to the original plaintiff, for the debt recovered, after the rate of twelve pounds per cent per annum (being double interest), from the time of making up s[ai]d judgm[en]t, for his being delayed, and double additional costs, in case the judgm[en]t be affirmed, execution shall be stayed until judgm[en]t upon the review.

[SECT. 2.] And in case the original pla[i]ntiff shall not be an inhabitant or resident in this province at the time of prosecuting the writ[t] of review, it shall be deemed a good and legal service for the pla[i]ntiff, on the review, to serve the attorney, factor, agent or trustee of the original pla[i]ntiff, or such person as appeared for the original pla[i]ntiff on the appeal, with his writ[t]s of review; which shall be deemed as effectual[ly] to hold him to answer and defend in the said action, as if he himself were served with said process: *provided*, that the double interest aforementioned shall not extend to the letting of cattle, or usages of the like nature, in practice among farmers, or maritime contracts among merchants, as bottomry, or course of exchange, as hath been heretofore accustomed.

Writs of review may be served on attorney, &c., in case.

Proviso.

*And be it further enacted by the authority aforesaid,*

[SECT. 3.] That in all real actions where the defendant or defendants in the review happen to live out of the province, so that he, she or they can't be duly served with a writ[t] of review, the service of such writ[t] upon the ter-tenant or person in possession of the premises, shall be deemed a good service, to hold the defendant or defendants to answer and defend in said suit; and the court of judicature where the said writ[t] is returnable, shall proceed to try the action as if process had been served upon the original defendant or defendants personally. [*Passed April 26; published April 28, 1733.*]

Writ of review in real actions may be served on ter-tenants, in case.

## CHAPTER 14.

### AN ACT IN ADDITION TO AN ACT ENTITLED "AN ACT FOR THE SUPPRESSING OF LOTTERIES."

WHEREAS the provision made in and by an act, intituled "An Act for the suppressing of lotteries," made and pass'd in [the] sixth year of the reign of his late majesty King George the First, has not been found sufficient to put a stop to that practice, but sundry persons have exposed their estates, as well real as personal, to sale by lotteries, projected and the ticket[t]s disposed of within this province, reserving the drawing of the lots in some of the neighbouring colonies or provinces; whereby the good and wholesome design and true intent and meaning of the aforesaid act is very much eluded and evaded, to the great discouragement of trade and industry, and gr[ie]v[ous] hurt and damage of many unwary people; for remedy whereof,—

Preamble.  
1719-20, chap. 8.

*Be it enacted by His Excellency the Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

[SECT. 1.] That, from and after the publication of this act, if any person or persons shall undertake or set up any lottery, or expose to sale, or dispose of, any estate, real or personal, by way of lottery, such person or persons shall for such offence forfeit and pay the sum of five hundred pounds, to be recovered by information, plaint, bill or action at law, in any of his majesty's court's of record within this province;

Fine for setting up a lottery;

the one half thereof to be to the king's majesty, to be appl[ie][y]d towards the support of this governm[en]t; the other half to him or them that shall inform and sue for the same.

*And be it further enacted by the authority aforesaid,*

—for publishing  
any account of  
lotteries;

[SECT. 2.] That if any person or persons shall be aiding or assisting in any lottery, by printing, writing or any other ways publishing an account thereof; or where tickets may be had for the same, such person or persons shall forfeit the sum of one hundred pounds, to be recovered and disposed of in manner as aforesaid.

*And be it further enacted by the authority aforesaid,*

—for selling lot-  
tery tickets.

[SECT. 3.] That if any person or persons shall offer or expose to sale, give, sell or otherway[e]s dispose of to any person within this province, any lottery tickets for the sale of any estate whatsoever, real or personal, such person or persons shall forfeit the sum of two hundred pounds for each ticket[t] so exposed to sale or otherwise disposed of, to be recovered in manner as aforesaid, and for the use aforesaid; and the person so offending shall be incapable of sustaining any office or place of profit whatsoever within this province.

*Provided, always,*

Proviso.

[SECT. 4.] That this act shall not be construed to extend to any lottery allowed by act of parliament, or law of this province. [*Passed April 26; published April 28, 1733.*]

## CHAPTER 15.

### AN ACT FOR SECURING THE SEASONABLE PAYMENT OF TOWN AND PRECINCT RATES OR ASSESSMENTS.

Preamble.  
1730, chap. 1,  
§§ 18, 22.

WHEREAS the method directed to by law, and heretofore practiced by the receivers or treasurers of towns and precincts, hath been to sue for and recover town and precinct rates and assessments, or the arrears thereof, by mean process against the constables or collectors to whom they were committed to be gathered, who neglected their duty therein, whereby the payment of such rates or assessm[en]ts into the respective town and precinct treasuries, hath been greatly delayed, to the grievous damage of many places; to prevent which for the future,—

*Be it enacted by His Excellency the Governor, Council and Representatives in General Court assembled, and by the authority of the same,*

Town and pre-  
cinct treasurers  
to issue war-  
rants of distress  
against con-  
stables or col-  
lectors that are  
remiss.

[SECT. 1.] That from and after the publication of this act, if the constable or collector of any town or precinct within this province, to whom any town or precinct rates or assessments have been committed to collect, shall be remiss in his duty by law required, and neglect to collect such rates and assessments as have been committed to him to collect, and to pay in the same to the treasurer or receiver of such town or precinct, by the time fixed in the warrant to him directed, or within one month next after the expiration thereof, such treasurer or receiver is hereby impowered, by warrant under his hand and seal, directed to the sheriff of the county, or his deputy, who are hereby respectively directed and impowered to execute the same, to cause such sum or sums of money as such constable or collector hath not paid in, to be levied by distress and sale of his estate, real or personal, returning the overplus, if any there be; and for want of such estate to take the body of such constable or collector, and to imprison him until he pay the same.



*Provided,*

[SECT. 2.] This act shall continue and be in force for the space of *Proviso.* three years from and after the publication thereof, and from thence to the end of the session of the general assembly then next after, and no longer. [*Passed April 26 ; published April 28, 1733.*]

## CHAPTER 16.

AN ACT AUTHORIZING COMMISSIONERS TO DETERMINE THE LINE OR BOUNDARY BETWEEN THAT PART OF THE PROVINCE OF THE MASSACHUSETTS BAY, LATE THE COLONY OF PL[F][I]MOUTH, AND THE COLONY OF RHODE ISLAND.

WHEREAS of late years there has been a claim made by the govern- *Preamble.*  
ment of Rhode Island, of the jurisdiction of a tract of land and the inhabitants thereof, lying to the eastward of Pautucket River, although of a long time the same hath been under this province and the ancient colony of Plymouth, now a part of the province aforesaid, and from their first settlement have paid taxes there; and the general court of Rhode Island having chosen Col[lo.] Willet of West Chester, Col[o.] Isaac Hickes and Mr. James Jackson of Flushing, all of the colony of New York, on their part, and having proposed that this court should join the like number of disinterested persons, to hear and determine this controversy; therefore,—

*Be it enacted by His Excellency the Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

[SECT. 1.] That Roger Wolcott of Windsor, Ozias Pitkin of Hartford, Esqrs., and Mr. Joseph Fowler of Lebanon, all of the colony of Connecticut, be and hereby are desired and fully authorized and im- *Commissioners to adjust the difference with Rhode Island, as to the Gore of land in Attleborough.*  
powered to meet with the said Col[o.] Willet, Col[o.] Hickes and Mr. Jackson, or some other person or persons appointed by the general assembly of Rhode Island, not exceeding three, some time in the third week of July next ensuing, as soon in the week as the commissioners incline or conveniently may, at Hartford or New London, in the colony of Connecticut, which the general assembly of the colony of Rhode Island, at their next sessions, shall chuse; then and there to agree, settle, order and determine the aforesaid boundary, and under whose jurisdiction or government the said tract of land is and ought to be and remain hereafter; and the agreement and determination under the hands and seals of the said commissioners, or the major part of them, delivered to a committee of this court, to be appointed to represent and act for this government before said commissioners, shall be binding and conclusive on this province forever.

*Committee to attend the commissioners.*

*And be it further enacted by the authority aforesaid,*

[SECT. 2.] That if it should so happen that the said commissioners, or the major part of them, shall not agree, then they, the said commissioners, or the major part of them, shall and may chuse another dis- *Commissioners to appoint an umpire, in case they cannot agree.*  
interested person of some of the neighbouring governments, to be the umpire or seventh man, to join with them, and decide the said controversy, as fully as if the person was named in this act.

And that the meeting of commissioners, to adjust the controversy aforesaid, may be as certain and unfailing as possible,—

*Be it enacted by the authority aforesaid,*

[SECT. 3.] That in case any one or more of the commissioners named *Other commis- sioners to be appointed by*  
on the part of this government, shall not be present, the committee, or

the committee,  
in case.

such of them as shall be present, appointed to represent and act for this province, may and shall name and chuse some other disinterested person or persons in his or their room and stead, who shall have the same and as full power and authority, to join and determine the aforesaid difference, as those named in this act would have had, if present.

*Provided, always,—*

Proviso.

[SECT. 4.] That the said commissioners, or the major part of them, give up and deliver their award or determination, under their hands and seals, to the committee as aforesaid, at or before the last Wednesday of August next ensuing.

And for the more amicable and quiet proceeding to issue the aforesaid controversy, it is further condescended and agreed,—

*And be it therefore enacted by the authority aforesaid,*

Process for  
rates to be sus-  
pended.

[SECT. 5.] That all processes for rates or taxes levied by the laws or authority of this province, shall cease and be suspended until the delivery of the commissioners' award to the committee, as aforesaid, if on or before the aforesaid last Wednesday of August.

*Provided, further,*

[SECT. 6.] That the general assembly of the colony of Rhode Island come into an act like to this in substance. [*Passed April 26; published April 28, 1733.*]

## CHAPTER 17.

AN ACT FOR ALLOWING NECESSARY SUPPL[IE][Y]S TO THE EASTERN AND WESTERN INDIANS, AND FOR REGULATING TRADE WITH THEM.

Preamble.  
1731-32, chap. 7.

WHEREAS the Indians in the eastern and western parts of this province have, many years since, recognized their subjection and obedience to the crown of Great Britain, and have their dependence on this government for supplies of cloathing and other necessities; to the intent, therefore, that they may be furnished with the same at such eas[y][ie] rates and prices as may oblige them to a firm adherence to his majesty's interest, several truck-houses having been erected and set up for that purpose,—

*Be it enacted by His Excellency the Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

Clothing, pro-  
visions, &c., to  
be prepared for  
the trade with  
the Indians.

[SECT. 1.] That provisions, cloathing and other suppl[ie][y]s suitable for a trade with the said Indians, be procured with the several sums that have been, now are, or shall be hereafter, granted for that purpose, by the general court, and the produce thereof applied, from time to time, for the supplying the said Indians, as aforesaid, by such person or persons as shall annually be chosen by this court, who shall proceed according to the instructions they shall receive from this court, or from the governour and council, on any emergency in the recess of this court: *provided*, such instructions and directions be consist[e][a]nt with the instructions they receive from the general court; which person or persons so chosen shall annually lay before this court fair accounts of his or their proceedings herein; and all supplies of cloathing, provisions and other things shall be lodged at such places to the eastward and elsewhere, as the general court have heretofore ordered, or as they shall, from time to time, order and appoint.

Accounts of the  
trade to be an-  
nually laid be-  
fore the general  
court.

*And be it further enacted by the authority aforesaid,*

Truck-masters  
to be chosen.

[SECT. 2.] That a suitable person be appointed by this court for each of the places where any of the goods aforesaid are lodged, as a

truck-master, to have the care and management of the trade with the Indians, to be paid for his service such sum or sums, from year to year, as this court shall order; which truck-masters shall be under oath, and shall give sufficient security for the faithful[1] discharge of that trust, and attending such instructions as shall be, from time to time, given them by this court, and, in the recess of the court, by the governour and council, as aforesaid.

[SECT. 3.] And the said truck-masters shall keep fair accompts of their trade and dealing with the said Indians, and shall return the same, together with the produce thereof, from time to time, to the person or persons who shall be appointed to supply them with the goods as aforesaid: the said accompts to be laid before the court. And they shall not trade with the said Indians on behalf or account of themselves, or any other person or persons. And in case of the death of any such truck-master, or mismanagement in that trust, during the recess of the court, another shall be put in his place by the governour, with the advice of the council, until the next session of the general court.

Truck-masters not to trade on their own account.

*And be it further enacted,*

[SECT. 4.] That the said truck-masters shall sell the goods to the Indians at the price set in the invoices sent them, from time to time, without any advance thereon, and shall allow the Indians, for their furs and other goods, as the market shall be at Boston according to the latest advices that they shall receive from the person or persons that shall supply them for the same commodities of equal goodness; and that the truck-masters do supply the Indians with rum in moderate quantitie[s], as they shall, in prudence, judge convenient and necessary, at the rate as charged in the invoice, from time to time.

Goods to be sold according to invoice.

*And be it further enacted by the authority aforesaid,*

[SECT. 5.] That from and after the publication of this act, no person or persons whatsoever, other than the truck-masters that shall be appointed in manner as is before provided, shall or may presume by themselves, or any other for them, directly or indirectly, to sell, give, truck, barter or exchange to any of the aforesaid Indians, any strong beer, ale, cyder, perry, wine, rum, brandy, or any other strong liquor, by what name or names soever called or known, on penalty of forfeiting the sum of fifty pounds, or six months' imprisonment, for each offence; and in case any rum or strong liquors shall be sold or traded with on board any ship or vessel[1], or transported into those parts for sale, all such rum or strong liquors shall be also forfeited.

Private persons not to sell strong drink to the Indians.

Penalty.

[SECT. 6.] And the offences aforesaid shall be tried at any of his majesty's courts of record within this province; and the justices of the said courts are accordingly empowered to hear and determine thereon: one moiety of all fines and forfeitures arising by virtue of this act, to be laid out in procuring supplies for carrying on the trade with the Indians; the other moiety to him or them that shall inform or sue for the same, in any of the courts aforesaid.

[SECT. 7.] This act to continue and be in force till the end of the session of the general assembly in May, one thousand seven hundred and thirty-seven. [*Passed April 26; published April 28, 1733.*]

Limitation.

NOTES.—There were, actually, three sessions of the General Court this year: the first, commencing May 31, and ending July 7; the second, commencing November 1, and ending January 4, 1732-33; and the third, commencing April 4, and ending April 26, 1733, by a dissolution. The last two sessions were held by adjournment, and the House seem, therefore, to have considered the second but a continuation of the first; for, in their answer to the Governor's speech, November 24, they allude to "the beginning of the present session in May last."

How far the parliamentary distinction between prorogations and adjournments was recognized by the Assembly it is difficult to determine from the records. Sometimes a meeting after an adjournment is mentioned by them as a new "sitting," which word is also

similarly used by the Governor, who, in another place, expressly declares that after a prorogation the Assembly meet in a new session. [See NOTES to 1731-32.] Again, the Secretary frequently refers to meetings of the Assembly, separated only by an adjournment, as different sessions. The Assembly, moreover, seem to have continued the business of former sessions as well after a prorogation as after an adjournment.

It is to be observed that the adjournments, so called, were invariably made by the sole authority of the Governor, and that he not only signed acts upon the day of the adjournment, but, what is more important here, the acts passed were printed and distributed during the recess, and, by such instalments, were sent to the Privy Council for confirmation. These facts seemed to indicate, conclusively, the propriety of the system pursued in numbering the sessions in the present edition of the laws.

The engrossments of all the above acts are preserved, and all, but chapter 5, were printed with the sessions acts. Chapters 11 and 17 were passed to be enacted at the first session, but were not signed by the Governor until at the close of the third session. The engrossment of chapter 10 appears not to have been sealed; and there is no endorsement of publication upon the engrossments of chapters 1, 2, 3, and 5.

The first five of the foregoing acts were laid before the Privy Council January 2, 1732-33, and, on the 13th of the same month, referred by the committee of the Council for plantation affairs to the Lords of Trade. The remaining twelve acts were received by the Privy Council July 20, 1733, and referred, in like manner, August 15, 1733. The Lords of Trade sent these acts to Mr. Fane for his opinion thereon,—the former, February 1, 1732-33, and the latter, January 16, 1733-34. Mr. Fane's reports upon these acts, in which he declares that he has "no objection in point of law," are dated March 19, 1732-33, and March 12, 1733-34, respectively. These reports were taken up and considered by the Board, June 17, 1733, and, on the 10th of July following, an order passed that a draught of a report "be prepared for confirming those Laws against which they have no objection, not expired, and are within one year or less of taking place of themselves." They accordingly reported all the acts of this year for confirmation, July 17, 1733. The order in council, confirming every act but chapter 8, is dated November 6, 1735. Chapter 8 was confirmed by a subsequent order, which is given in full as a note to that chapter, *post*.

*Chap. 7.* "Septem<sup>r</sup> 13, 1734. A memorial of Edward Winslow Esq<sup>r</sup> Sheriff of the County of Suffolk shewing that some Doubt hath arisen in the Proviso of the Act for the Relief of poor Prisoners for Debt in these words, [that it shall not extend to any Person or Persons in Execution for any Fine on him, her, or them imposed] Whether the same doth extend to Persons imprisoned upon the Province Treasurers Warrants for Debts due to the Province, Praying the Courts explanation of this Proviso

In the House of Represent<sup>ves</sup> Read & to resolve the Doubt within mentioned, Voted that Prisoners taken in Execution for not paying y<sup>e</sup> publick Debts upon the Treasurers Warrant are not held for refusing to pay any Fine And therefore that the Clause in the Act within mentioned ought not to be understood so as to prevent or hinder any such prisoners taking the benefit of said Act & being admitted to the oath within mentioned.

In Council; Read & Non Concur'd."—*Council Records*, vol. XVI, pp. 52, 53.

"Decem<sup>r</sup> 14. 1734. A Petition of Peter Breton of Boston Felt maker, Shewing that he is imprisoned in the Goal in said town upon Execution, at the suit of the Province & Town Treasurers, & hath taken the Oath appointed by Law for poor Prisoners, but can not receive the benefit of said Oath because the Prison keeper is uncertain whether his Case (being a Debtor to the Publick) can come within the Extent of that Law; that since the Petitioners taking the Oath, above said he has been served with another Execution; Upon which the Keeper is uncertain whether the Petitioner is obliged by Law to take the Oath over again, Praying for the Order of this Court to the Prison Keeper to release the Petitioner.

In the House of Represent<sup>ves</sup> Read & Resolved that the Petitioner ought to take the same steps for a discharge from his confinement or continuance in Goal upon an Execution at Samuel Carys Suit, which he should have done, if he had not taken the method directed by Law for poor Prisoners for Debt upon any other Execution.

In Council; Read & Concur'd;

Consented to. J. BELCHER."

—*Ibid*, p. 79.

*Chap. 8.* "At the Court of St. James's the 5<sup>th</sup> day of February 1735-6. Present The King's most Excellent Majesty in Council.

Whereas by Commission under the Great Seale of Great Britain the Gov<sup>r</sup> Council & Assembly of the Province of Massachusetts Bay in New England are authorized & empowered to constitute & ordain Laws which are to continue & be in force unless His Maj<sup>ty</sup>s pleasure be signified to the contrary And whereas in pursuance of the said Commission an Act hath been past in the said Province on the 4<sup>th</sup> of January 1732, Intituled as follows:—'An Act for the tryal of Capital offences & other high Misdemeanours committed in the Island of Nantucket' Which Act having been under the consideration of the Lds. Commrs for Trade & Plantations & also of a committee of the Lords of His Maj<sup>ty</sup>s most hon<sup>ble</sup> Privy Council the said Lords of the Committee this day presented the said Act to His Maj<sup>ty</sup> at this Board with their opinion that the same was proper to be approved—His Maj<sup>ty</sup> in Council taking the same into consideration was graciously pleased to declare his approbation of the said Act & pursuant to His Majesty's Royal pleasure thereupon express the said Act is hereby confirmed finally enacted & ratified accordingly—Whereof the Gov<sup>r</sup> or Command<sup>r</sup> in Chief of the said Province for the time being and all others whom it may concern are to take notice & govern themselves accordingly A true Copy, W. SHARPE.

[Indorsed] Recd April 7<sup>th</sup> Read April 8<sup>th</sup> 1736."—*New Eng., B. T.*, vol. 24, C. c. 1, in *Public Record Office*.

*Chap. 11.* This chapter was passed to be enacted at the first session (June 13) but failed to receive the Governor's signature then for the same reasons that prevented him



from signing a similar act the previous year:—see note 1731–32, chap. 5, *ante*. Soon after the passage of this bill, however, the Governor petitioned the Lords of Trade for their favor in procuring him leave to assent to this bill, and also that “the leave may be general for the future, Provided they never grant less than £3,000.” Jonathan Belcher, junior, the son of the Governor and acting as his agent in London, also presented a memorial that his father might be permitted to give his assent to the bill. The date of this memorial is August 2, 1732. On the tenth of August the petition of Belcher, junior, was referred to the Lords of Trade, and both petitions were considered by the Board on the 23d of the same month, and, again, on the 20th of December, when they signed a representation to the King, concluding,—“We are humbly of the opinion that for this time Your Majesty may be graciously pleased to permit Governor Belcher to give his assent to the aforesaid Bill, in expectation that some method may be fallen upon for bringing the Assembly of this Province to a better sense of their duty.” &c. This was followed by a report from the committee (of the Privy Council) for plantation affairs, January 26, 1732–33, approving of the advice of the Lords of Trade, and ordering them to prepare and report a draught of an instruction authorizing the Governor to assent to the bill. The Board accordingly reported, February 2, 1732–33, the draught of an instruction which was approved by the Privy Council on the 21st of the same month, in the order hereunder printed. The bill was signed by the Governor, April 26, 1733.

“At the Court at St. James’s the 21<sup>st</sup> day of February 1732 Present the King’s most Excellent Maj<sup>ty</sup> in Council

Upon reading at the Board a Report from the Right Honourable the Lords of the Committee of Council dated the 15<sup>th</sup> of this Instant humbly offering to His Majesty for his Royal Approbation a Draught of an Additional Instruction prepared by the Lords Commissioners for Trade and Plantations for Jonathan Belcher Esq<sup>r</sup> His Majesty’s Governor of the Province of Massachusetts Bay to empower him to give his Assent to a Bill past by the Council and House of Representatives of that Province the 13<sup>th</sup> of June last Entitled ‘An Act for granting the sum of three thousand pounds for & towards the support of His Maj<sup>ty</sup>’s Governor’ His Majesty this day took the said Report and Draught of Additional Instruction into His Royal Consideration and was pleased with the advice of His Privy Council to approve of the said Draught of Additional Instruction which is hereunto annexed And to order as it is hereby ordered That His Grace the Duke of Newcastle one of His Majesty’s Principal Secretaries of State do cause the same to be prepared for His Majesty’s Royal Signature

A true Copy

W. SHARPE.”

—“*N. E., Board of Trade,*” vol. 20, A. a. 74, in *Public Record Office*.





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ACTS,  
PASSED 1733-34.

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# ACTS

PASSED AT THE SESSION BEGUN AND HELD AT BOSTON,  
ON THE THIRTIETH DAY OF MAY, A.D. 1733.

## CHAPTER 1.

AN ACT FOR ERECTING THE LOWER PLANTATION AT HOUSSAT[O][A]N-  
NOCK INTO A TOWNSHIP, BY THE NAME OF SHEFFIELD.

WHEREAS the inhabitants of a tract of land on the river Hous- **Preamble.**  
sat[o][a]nnock, adjo[i][y]ning southerly on the divisional line between  
this government and Connecticut, have undergone many difficulties and  
inconveniences, and by reason of their distance from any towns in the  
county of Hampshire, may labour under more misch[ie][ei]fs for want  
of a power for the regular management of their affairs, and they being  
now arrived to a competent number of inhabitants, and having ad-  
dressed this court for rel[ie][ei]f,—

*Be it enacted by His Excellency the Governour, Council and Repre-  
sentatives in General Court assembled, and by the authority of the same,*

[SECT. 1.] That the lands in the lower plantation, so called, at  
Houssat[o][a]nn[o][i]ek, of the contents of seven miles square, be and  
hereby are erected into a separate and distinct township by the name  
of Sheffield, by the metes and bounds following; viz., adjo[i][y]ning  
southerly on the divisional line between this government and Con-  
necticut, and thence extending the lines northerly on each side Hous-  
sat[o][a]nnock River eight miles, so as to include the quantity of seven  
miles square, agreeable to a grant of this court at their session in May,  
1722, and that a plat of the township be accordingly taken by a sur-  
veyor and chainmen on oath, and returned to this court within twelve  
months, by the grantees, for confirmation of said tract to them, their  
heirs and assigns; and that the inhabitants of the said lands be, and  
are hereby, accordingly, endowed and vested with all powers, privi-  
le[d]ges, immunities and advantages which other towns in this province  
by law have and enjoy; and the inhabitants of the s[ai]d town of  
Sheffield are hereby [e][i]njoi[n]ed and required, within the space  
of three years from the publication of this act, to build a suitable meet-  
ing-house for the publick worship of God, and to procure and settle a  
learned, orthodox minister of good conversation, and make provision  
for his comfortable and honourable support.

The lower plan-  
tation at Hous-  
atonic made a  
town by the  
name of Shef-  
field.

*And be it further enacted by the authority aforesaid,*

[SECT. 2.] That the said town of Sheffield be and hereby is declared  
to be within the county of Hampshire. [Passed June 22.

The town of  
Sheffield to lie  
in the county of  
Hampshire.

## CHAPTER 2.

## AN ACT FOR GRANTING UNTO HIS MAJESTY SEVERAL RATES AND DUTIES OF IMPOST AND TUNNAGE OF SHIPPING.

## Preamble.

WE, his majesty's most loyal and dutiful subjects, the representatives of his majesty's province of the Massachusetts Bay in New England, considering the necessity of calling in the sum of twenty-one thousand pounds granted to his late majesty King George the First, at the several sessions in the years one thousand seven hundred and twenty-one, one thousand seven hundred twenty-five, and one thousand seven hundred twenty-six, to be levied and collected in the year one thousand seven hundred and thirty-three, have cheerfully and unanimously given and granted, and do hereby give and grant, unto his most excellent majesty, to the ends, uses and intent aforesaid, and for no other use, the several duties of impost upon wines, liquors, goods, wares and merchandize that shall be imported into this province, and tunnage of shipping hereafter mentioned, for calling in the sum of twenty-one thousand pounds; and pray that it may be enacted,—

*And be it accordingly enacted by His Excellency the Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

## Rates of impost.

[SECT. 1.] That from and after the twenty-ninth day of June, instant, there shall be paid by the importer of all wines, liquors, goods, wares and merchandizes, that shall be imported into this province from the place of their growth (salt, cotton-wool, provisions, and every other thing of the growth and produce of New England excepted), the several rates or duties of impost following; viz.,—

For every pipe of wine of the Western Islands, twenty-five shillings.

For every pipe of Canary, thirty-seven shillings and sixpence.

For every pipe of Madera, thirty shillings.

For every pipe of other sorts not mentioned, thirty shillings.

For every hogshead of rum containing one hundred gallons, twenty-five shillings.

For every hogshead of sugar, two shillings.

For every hogshead of molasses, one shilling.

For every hogshead of tobacco, twenty-five shillings.

For every tun of logwood, three shillings.

And so, proportionably, for greater or lesser quantities.

And all other commodities, goods or merchandize, not mentioned or excepted, twopence for every twenty shillings' value; all goods imported from Great Britain excepted.

*And whereas* many strangers and foreigners have of late years reaped great gain and profit by bringing into this province considerable quantities of foreign molasses and rum, on their own accompts, whereby much of the trade that was formerly carried on with considerable profit by the inhabitants of this province, altho' with the paying very high charges for permission, &c., in their islands, is in a great measure, if not wholly, prevented; wherefore, in order to the subjecting such foreign goods to a higher duty,—

*Be it enacted by the authority aforesaid,*

[SECT. 2.] That all such molasses and rum that belong to foreigners shall pay the following duties; viz.,—

For every hogshead of molasses, five shillings.

For every hogshead of rum, six pounds.

And for preventing the colouring of such foreigners' goods under the names of any merchants or others inhabiting this province,—



*Be it enacted by the authority aforesaid,*

[SECT. 3.] That when any quantities of such goods are imported into this province that may reasonably be supposed to come from any of the said foreign plantations, and are said to be consigned to some of the inhabitants of this province, or British subjects, such person to whom the same is consigned, shall make oath before the commissioner of impost in the following words; viz.,—

You, A. B., do swear that the goods imported in the ship or vessel ( ), Oath. and consigned you, did actually and truly come upon the sole proper account and risque, and are *bona fide*\* the goods and estate of yourself or some other of his majesty's British subjects, and that no foreigner, directly or indirectly, is any ways interested or concerned in the same, or are ever to have any share or part in the same, that you know of; nor is this consignment made to you under any colour or pretext, to prevent the paying the duties of the same.

[SECT. 4.] And for any of the above wines, liquors, goods, wares, merchandize, &c., that shall be imported into this province, &c., from any other port than the places of their growth and produce, there shall be paid by the importer double the value of impost appointed by this act to be received for every species abovementioned, unless they do *bona fide*\* belong to the inhabitants of this province, and came upon their rise from the port of their growth and produce.

*And be it further enacted by the authority aforesaid,*

[SECT. 5.] That all the aforesaid impost-rates and duties shall be paid in current money, or in bills of credit of this province, by the importer of any wines, liquors, goods or merchandize, unto the commissioner to be appointed, as is hereinafter to be directed, for entering and receiving the same, at or before the landing of any wines, liquors, goods or merchandizes: *only* the commissioner or receiver is hereby allowed to give credit to such person or persons where his or their duty of impost in one ship or vessel doth exceed the sum of ten pounds; and in case where the commiss<sup>r</sup> or receiver shall give credit, he shall settle and ballance his accompts with every person, so that the same accompts may be ready to be presented to this court in May next. Commissioner allowed to give credit. And all entries where the impost or duty to be paid doth not exceed four shillings, shall be made without charge to the importer, and not more than sixpence to be paid for any other single entry to what value soever. Fees.

*And be it further enacted by the authority aforesaid,*

[SECT. 6.] That all masters of ships or other vessels coming into any harbour or port within this province from beyond sea, or from any other province or colony, before bulk be broken and within twenty-four hours after his arrival at such harbour or port, shall make a report to the commissioner or receiver of the impost, to be appointed as is hereinafter mentioned, of the contents of the lading of such ship or vessel, without any charge or fee to be demanded or paid for the same; which report such master shall give in to the commissioner or receiver, under his hand, and shall therein set down and express the quantities and species of the wines, liquors, goods and merchandizes laden on such ship or vessel, with the marks and numbers thereof, and to whom the same is consigned; and also make oath that the said report or manifest of the contents of his lading, so to be by him given in, under his hand, as aforesaid, contains a just and true accompt, to the best of his knowledge, of the whole lading taken on board and imported in the said vessel from the port or ports such vessel came from, and that he hath not broken bulk nor delivered any of the wines, rhum or other distilled liquors or merchandizes laden on said ship or vessel, directly or

Masters of vessels to make reports.

indirectly, and if he shall know of any more wines, liquors, goods or merchandize to be imported therein, before the landing thereof he will cause it to be added to his manifest; which manifest shall be agreeable to a printed form made for that purpose, which is to be filled up by the said commissioner or receiver, according to each particular person's entry; which oath the commiss<sup>r</sup> or receiver is hereby impowered to administer: after which such master may unload, and not before, on pain of one hundred pounds, to be forfeited and paid by each master that shall neglect his duty on this behalf.

*And be it further enacted by the authority aforesaid,*

Invoice to be  
produced, &c.

[SECT. 7.] That all merchants, factors and other persons, importers, being owners of, or having any of the wines, liquors, goods or merchandizes consigned to them, that by this act are liable to pay impost or duty, shall, by themselves or order, make entry thereof in writing, under their hands, with the said commissioner or receiver, and produce unto him the original invoice of all such goods as pay *ad valorem*, and make oath thereto in manner following:—

Oath.

You, A. B., do swear that the entry of the goods and merchandize, by you now made, contains the true value, agreeable to the original invoice herewith exhibited; and that, according to your best skill and judgment, it is not less than the real cost thereof. So help you God.

Duties to be  
paid before  
landing.

—which above oath the commiss<sup>r</sup> or receiver is hereby impowered to administer; and they shall pay the duty and impost by this act required, before such wines, liquors, goods, wares or merchandizes be landed or taken out of the vessel in which the same shall be imported, on pain of forfeiting all such wines, liquors, goods, wares or merchandizes so landed or taken out of the vessel in which the same shall be imported.

[SECT. 8.] And no wines, liquors, goods, wares or merchandizes that by this act are liable to pay impost or duty, shall be landed on any wharff, or into any warehouse or other place, but in the daytime only, and that after sunrise and before sunset, unless in the presence and with the consent of the commissioner or receiver, on pain of forfeiting all such wines, liquors, goods, wares and merchandizes, and the lighter, boat and vessel out of which the same shall be landed or put into any warehouse or other place.

[SECT. 9.] And if any person or person\* shall not have and produce an invoice of the quantities of rum or liquors to him or them consigned, then the cask wherein the same is shall be gaged at the charge of the importer, that the quantities thereof may be known.

*And be it further enacted by the authority aforesaid,*

Allowance of  
leakage.

[SECT. 10.] That every merchant or other person, importing any wines into this province, shall be allowed twelve per cent for leakage: *provided*, such wines have not been filled up on board; and that every hogshead, butt or pipe of wine that hath two third parts thereof leaked out, shall be accounted for outs, and the merchant or importer to pay no duty or impost for the same. And no master of any ship or vessel shall suffer any wines to be filled up on board without giving a certificate of the quantity so filled, under his hand, before the landing thereof, to the commissioner or receiver of impost for such port, on pain of forfeiting the sum of fifty pounds.

[SECT. 11.] And if it be made to appear that any wines imported in any ship or vessel be decayed at the time of unlading thereof, or in twenty days afterwards, oath being made before the commissioner or receiver that the same hath not been landed above that time, the

duties and impost paid for such wines shall be repayed unto the importer thereof.

*And be it further enacted by the authority aforesaid,*

[SECT. 12.] That the master of any ship or vessel importing any wines, liquors, goods, wares or merchandize, shall be liable to and shall pay the impost for such and so much thereof contained in his manifest as shall not be duly entred, nor the duty paid for the same, by the person or persons to whom such wines, liquors, goods, wares or merchandize are or shall be consigned. And it shall and may be lawful to and for the master of every ship or other vessel to secure and detain in his hands, at the owner's risque, all such wines, liquors, goods, wares or merchandize imported in any such ship or vessel, until he shall receive a certificate from the commissioner or receiver of the impost that the duty for the same is paid, and until he be repaid his necessary charges in securing the same; or such master may deliver such wines, liquors, goods, wares or merchandize as are not entred, unto the commissioner or receiver of the impost in such port, or his order, who is hereby impowered and directed to receive and keep the same, at the owner's risque, until the impost thereof, with the charges, be paid; and then to deliver such wines, liquors, goods, wares or merchandize as such masters shall direct.

Master liable to pay the impost.

*And be it further enacted by the authority aforesaid,*

[SECT. 13.] That the commissioner or receiver of the impost, in each port, shall be, and hereby is, impowered to sue the master of any ship or vessel for the impost or duty for so much of the lading of any wines, liquors, goods, wares and merchandizes imported therein, according to the manifest to be by him given upon oath, as aforesaid, as shall remain not entred and the duty of impost thereof not paid; and where any goods, wares or merchandizes are such as that the value thereof is not known, whereby the impost to be recovered of the master for the same cannot be ascertained, the owner, or person to whom such goods, wares or merchandizes are or shall be consigned, shall be summoned to appear as an evidence at the court where suit for the impost and duty thereof shall be brought, and be there required to make oath to the value of such goods, wares or merchandizes.

Master liable to be sued.

*And be it further enacted by the authority aforesaid,*

[SECT. 14.] That the ship or vessel, with her tackle, apparel and furniture, the master of which shall make default in anything by this act required to be performed by him, shall be liable to answer and make good the sum or sums forfeited by such master, according to this act, for any such default; as also to make good the impost or duty for any wines, liquors, goods, wares and merchandizes not entred as aforesaid, and, upon judgment recovered against such master, the said ship or vessel, with so much of the tackle or appurtenances thereof as shall be sufficient to satisfy said judgment, may be taken in execution for the same. And the commissioner or receiver of the impost is hereby impowered to make seizure of such ship or vessel, and detain the same under seizure until judgment be given in any suit to be commenced and prosecuted for any of the said forfeitures or impost, to the intent that if judgment be rendred for the prosecutor or informer, such ship or vessel and appurtenances may be exposed to sale for satisfaction thereof, as is before provided: *unless* the owners, or some on their behalf, for the releasing such ship or vessel from under seizure or restraint, shall give sufficient security unto the commissioner or receiver of impost that seized the same, to respond and satisfy the sum or value of the forfeiture and duties, with charges, that shall be recovered against the master thereof, upon suit to be brought for the same, as aforesaid; and the master

Ships, &c., liable to be taken in execution.

occasioning such loss and damage unto his owners, through his default or neglect, shall be liable unto their action for the same.

*And be it further enacted,*

Naval officer  
not to clear  
vessels till im-  
post be paid.

[SECT. 15.] That the naval officer within any of the ports of this province shall not clear or give passes to any master of any ship or other vessel outward bound, until he shall be certified by the commissioner or receiver of the impost, that the duties and impost for the goods last imported in such ship or vessel are paid or secured to be paid.

Bills of store to  
be allowed.

[SECT. 16.] And the commissioner or receiver of the impost is hereby impowred to allow bills of store to the master of any ship or vessel importing any wines or liquors, for such private adventures as shall belong to the master or seamen of such ship or other vessel, at the discretion of the commissioner or receiver, not exceeding three per cent of the lading; and the duties payable by this act for such wines or liquors in such bills of store mention<sup>d</sup> and expressed, shall be abated.

*And be it further enacted by the authority aforesaid,*

Disposition of  
forfeitures.

[SECT. 17.] That all penalties, fines and forfeitures accruing and arising by vertue of this act, shall be one half to his majesty, for the uses and intents for which the aforementioned duties of impost are granted, and the other half to him or them that shall seize, inform and sue for the same, by action, bill, plaint or information in any of his majesty's courts of record, wherein no essoign, protection or wager of law shall be allowed; the whole charge of the prosecution to be taken out of the half belonging to the informer.

*And be it further enacted by the authority aforesaid,*

Tonnage of  
shipping.

[SECT. 18.] That there shall be paid by the master of every ship or other vessel coming into any port or ports in this province to trade or traffick, whereof all the owners are not belonging to this province, except such vessels as belong to Great Britain, the provinces or colonies of Pensilvania, West and East Jersey, New York, Connecticut, New Hampshire and Rhode Island, every voyage such ship or vessel does make, the sum of two shillings and sixpence per ton, or one pound of good, new pistol-powder for every ton such ship or vessel is in burthen: *saving* for that part which is owned in Great Britain, this province, or any of the aforesaid governments (which are hereby exempted), to be paid unto the commissioner or receiver of the duties of impost, and to be employed for the ends and uses aforesaid.

[SECT. 19.] And the said commissioner is hereby impowred to appoint a meet and suitable person to repair unto and on board any ship or vessel to take the exact measure or tunnage thereof, in case he shall suspect that the register of such ship or vessel doth not express and set forth the full burthen of the same; the charge thereof to be paid by the master or owner of such ship or vessel before she be cleared, in case she shall appear to be of greater burthen, otherwise, to be paid by the commissioner out of the money received by him for impost, and shall be allowed him accordingly, by the treasurer, in his accompts. And the naval officer shall not clear any vessel until he be also certified by the said commissioner that the duty of tunnage for the same is paid, or that it is such a vessel for which none is payable according to this act.

*And be it further enacted by the authority aforesaid,*

Appointment  
and duty of the  
commissioners,  
&c.

[SECT. 20.] That there be one fit person, and no more, nominated and appointed by this court as a commissioner and receiver of the aforesaid duties of impost and tunnage of shipping, and for the inspection, care and management of the said office, and whatsoever relates thereunto, to receive commission for the same from the governour or commander-in-chief for the time being, with authority to substitute and appoint a deputy receiver in each port besides that wherein he resides,



and to grant warrants to such deputy receivers for the said place, and to collect and receive the impost and tunnage of shipping aforesaid, that shall become due within such port, and to render the accompts thereof and pay in the same to the said commissioner and receiver; which said commissioner and receiver shall keep fair books of all entries and duties arising by vertue of this act, also a particular account of every vessel, so that the duties of impost and tunnage arising on the said vessel may appear; and the same to ly open, at all seasonable times, to the view and perusal of the treasurer and receiver-general of this province (or any other person or persons whom this court shall appoint), with whom he shall accompt for all collections and payments, and pay all such monies as shall be in his hands, as the treasurer or receiver-general shall demand it. And the said commissioner or receiver, and his deputy and deputies, before their entering upon the execution of their office, shall be sworn to deal truly and faithfully therein, and shall attend in the said office from nine to twelve of the clock in the forenoon, and from two to five of the clock in the afternoon.

[SECT. 21.] And the said commiss<sup>r</sup> and receiver, for his labour, care and expences in the said office, shall have and receive, out of the province treasury, the sum of seventy pounds per annum; and his deputy or deputies to be paid for their service such sum or sums as the said commissioner and receiver, with the treasurer, shall agree, upon reasonable terms, not exceeding thirty pounds each. And the treasurer is hereby ordered, in passing and receiving the said commiss<sup>r</sup> accompts, accordingly, to allow the payment of such salary or salaries, as aforesaid, to himself and his deputy or deputies.

*Provided,*

[SECT. 22.] That this act shall be and continue in force from the twenty-ninth day of this instant June, until the twenty-ninth day of June, which will be in the year of our Lord one thousand seven hundred and thirty-four, and to the end of the next session of the general court, and no longer. *[Passed June 22.]* Limitation.

## CHAPTER 3.

### AN ACT FOR APPORTIONING AND ASSESSING A TAX OF SEVEN THOUSAND NINE HUNDRED AND EIGHTY-SEVEN POUNDS SIXTEEN SHILLINGS.

WHEREAS the great and general court or assembly of the province of the Massachusetts Bay in New England, at their sessions, begun and held at Boston on Wednesday, the twenty-third day of August, one thousand seven hundred and twenty-one, and continued by adjournment to Cambridge, unto the second day of March following, did pass a grant of tax on polls and estates, for the sum of six thousand pounds;\* and at their session held at Boston upon Wednesday, the twenty-third day of November, one thousand seven hundred and twenty-five, did pass one other grant of a tax on polls and estates, for the further sum of ten thousand pounds;† and at their session begun and held at Boston, on Wednesday, the twenty-fifth day of May, one thousand seven hundred and twenty-six, did pass one other grant of a tax on polls and estates for the further sum of five thousand pounds;‡ which, with the impost and excise, was to be a fund or security for the payment and drawing in the sum of twenty-one thousand pounds in bills of credit on this province, ordered to be issued out of the publick

\* NOTES to 1721-22, resolve (a.) † NOTES to 1725-26, resolve (b.) ‡ NOTES to 1726-27, resolve (a.)



treasury for the service of the government, on the abovementioned years, and applyed to the ends and uses in the said grants particularly enumerated and expressed; by the resolves of the courts that made the same it was ordered that the aforesaid sum of twenty-one thousand pounds should be apportioned, assessed and levied on polls, and estates both real and personal, within this province, according to such rules and in such proportion, upon the several towns and districts within this province, as shall be agreed on and ordered by the court this present year; *wherefore*, for the ordering, directing, perfecting and calling in the aforesaid sum of twenty-one thousand pounds, it is hereby agreed and ordered, that there shall be a tax of seven thousand nine hundred and eighty-seven pounds and sixteen shillings levied and assessed on polls, and estates real and personal, on the several towns within this province, in such proportion as is in this act hereafter expressed; which said sum of seven thousand nine hundred and eighty-seven pounds sixteen shillings, together with the duties of impost, tunnage of shipping, and also the excise and income of bills let out, and lighthouse, amounting to the sum of thirteen thousand and twelve pounds four shillings, will make up the sum of twenty-one thousand pounds, pursuant to the grants and funds aforesaid, which are unanimously approved, ratified and confirmed; we, his majesty's most loyal and dutiful subjects, the representatives in general court assembled, pray that it may be enacted,—

*And be it accordingly enacted by His Excellency the Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

[SECT. 1.] That each town and district within this province be assessed and pay, as such town's and district's proportion of the aforesaid sum of seven thousand nine hundred eighty-seven pounds sixteen shillings, the several sums following; that is to say,—

IN THE COUNTY OF SUFFOLK.		
Boston, fourteen hundred and eighty pounds,	£1,480	0s. 0d.
Roxbury, seventy-two pounds two shillings and eightpence,	72	2 8
Dorchester, sixty-nine pounds fifteen shillings and fourpence,	69	15 4
Hingham, eighty-two pounds seventeen shillings and fourpence,	82	17 4
Brantrey, seventy-three pounds twelve shillings,	73	12 0
Dedham, fifty-five pounds six shillings and eightpence,	55	6 8
Medfield, thirty-eight pounds ten shillings and eightpence,	38	10 8
Medway, twenty-four pounds seven shillings and fourpence,	24	7 4
Weymouth, fifty-one pounds twelve shillings,	51	12 0
Milton, forty pounds eleven shillings and fourpence,	40	11 4
Hull, seventeen pounds eleven shillings and fourpence,	17	11 4
Wrentham, forty-six pounds sixteen shillings and eightpence,	46	16 8
Needham, twenty-nine pounds,	29	0 0
Bellingham, fourteen pounds nineteen shillings and fourpence,	14	19 4
Walpole, twelve pounds five shillings and fourpence,	12	5 4
Stoughton, forty-one pounds two shillings and eightpence,	41	2 8
Brooklyn, twenty-six pounds eighteen shillings and eightpence,	26	18 8

## IN THE COUNTY OF ESSEX.

Salem, two hundred and eight pounds fourteen shill. and eightpence, . . . . .	£208	14s.	8d.
Ipswich, two hundred and eight pounds and eightpence, . . . . .	208	0	8
Newbury, one hundred seventy-seven pounds three shill. and fourpence, . . . . .	177	3	4
Marblehead, one hundred eighty-two pounds, . . . . .	182	0	0
Lynn, eighty-six pounds sixteen shillings, . . . . .	86	16	0
Andover, ninety-nine pounds two shillings, . . . . .	99	2	0
Beverly, seventy-seven pounds eight shillings, . . . . .	77	8	0
Rowley, sixty-nine pounds eight shillings and eightpence, . . . . .	69	8	8
Salisbury, sixty-five pounds five shillings and fourpence, . . . . .	65	5	4
Haverhill, sixty-five pounds nineteen shillings and fourpence, . . . . .	65	19	4
Gloicester, ninety-nine pounds one shilling and fourpence, . . . . .	99	1	4
Topsfield, thirty-one pounds four shillings, . . . . .	31	4	0
Boxford, thirty-three pounds and eightpence, . . . . .	33	0	8
Almsbury, sixty-three pounds two shillings, . . . . .	63	2	0
Bradford, thirty-six pounds sixteen shillings and eightpence, . . . . .	36	16	8
Wenham, thirty-one pounds twelve shillings, . . . . .	31	12	0
Manchester, twenty-one pounds sixteen shillings, . . . . .	21	16	0
Methuen, thirteen pounds seventeen shillings and fourpence, . . . . .	13	17	4
Middleton, fifteen pounds, . . . . .	15	0	0

## IN THE COUNTY OF MIDDLESEX.

Cambridge, sixty pounds ten shillings and eightpence, . . . . .	60	10	8
Charlstown, one hund. thirty-three pounds thirteen shill. and four pen., . . . . .	133	10*	4
Watertown, seventy pounds ten shillings, . . . . .	70	10	0
Concord, eighty pounds, . . . . .	80	0	0
Weston, thirty-one pounds six shillings and eightpence, . . . . .	31	6	8
Woburn, sixty-six pounds nine shillings and eightpence, . . . . .	66	9	8
Reading, fifty-eight pounds seventeen shillings and fourpence, . . . . .	58	17	4
Sudbury, sixty-seven pounds fifteen shillings and sevenpence, . . . . .	67	15	7
Marlborough, fifty-four pounds six shillings, . . . . .	54	6	0
Lexington, forty-four pounds twelve shillings, . . . . .	44	12	0
Newton, fifty-four pounds sixteen shillings, . . . . .	54	16	0
Malden, fifty pounds nine shillings and fourpence, . . . . .	50	9	4
Chelmsford, forty-five pounds thirteen shillings and eightpence, . . . . .	45	13	8
BillERICA, fifty-four pounds ten shillings and one penny, . . . . .	54	10	1
Sherbourn, twenty-five pounds two shillings, . . . . .	25	2	0
Holliston, twelve pounds, . . . . .	12	0	0
Groton, forty-five pounds, . . . . .	45	0	0
Framingham, fifty-one pounds and eightpence, . . . . .	51	0	8
Medford, twenty-four pounds two shillings, . . . . .	24	2	0
Stow, twenty-eight pounds thirteen shillings and a penny, . . . . .	28	13	1

Dunstable, eighteen pounds thirteen shillings and fourpence, . . . . .	£18 13s. 4d.
Dracut, fifteen pounds one shilling and fourpence, . . . . .	15 1 4
Stoneham, seventeen pounds eighteen shillings and eightpence, . . . . .	17 18 8
Littleton, twenty-three pounds fourteen shillings, . . . . .	23 14 0
Hopkinton, twelve pounds eighteen shillings, . . . . .	12 18 0
Bedford, twenty pounds thirteen shillings and threepence, . . . . .	20 13 3
Westford, nineteen pounds six shillings and ninepence, . . . . .	19 6 9
Wilmington, sixteen pounds five shillings, . . . . .	16 5 0

## IN THE COUNTY OF HAMPSHIRE.

Springfield, ninety-one pounds fourteen shillings, . . . . .	91 14 0
Northampton, sixty-five pounds two shillings and eightpence, . . . . .	65 2 8
Hadley, thirty-eight pounds fourteen shillings and eightpence, . . . . .	38 14 8
Hatfield (twenty pounds being subducted out of their proportion of this tax on account of a fine laid on them last year for said sum), eleven pounds sixteen shill., . . . . .	11 16 0
Westfield, thirty-eight pounds ten shillings and eightpence, . . . . .	38 10 8
Suffield, fifty-four pounds, . . . . .	54 0 0
Enfield, thirty-eight pounds eighteen shillings, . . . . .	38 18 0
Deerfield, twenty pounds nine shillings and fourpence, . . . . .	20 9 4
Sunderland, eleven pounds two shillings, . . . . .	11 2 0
Northfield, twelve pounds ten shillings and eightpence, . . . . .	12 10 8
Brimfield, thirteen pounds six shillings and eightpence, . . . . .	13 6 8

## IN THE COUNTY OF WORCESTER.

Worcester, twenty-two pounds fifteen shillings and eightpence, . . . . .	22 15 8
Lancaster, fifty-two pounds six shillings and eightpence, . . . . .	52 6 8
Mendon, thirty-six pounds, . . . . .	36 0 0
Woodstock, thirty-two pounds, . . . . .	32 0 0
Brookfield, twenty-seven pounds one shilling and fourpence, . . . . .	27 1 4
Southborough, seventeen pounds six shillings, . . . . .	17 6 0
Leicester, thirteen pounds nineteen shillings and fourpence, . . . . .	13 19 4
Rutland, seven pounds sixteen shillings, . . . . .	7 16 0
Lunenburg, seven pounds sixteen shillings, . . . . .	7 16 0
Westborough, eighteen pounds two shillings, . . . . .	18 2 0
Shrewsbury, fourteen pounds fourteen shillings, . . . . .	14 14 0
Oxford, fourteen pounds four shillings, . . . . .	14 4 0
Sutton, twenty-four pounds ten shillings, . . . . .	24 10 0
Uxbridge, twelve pounds and eightpence, . . . . .	12 0 8
Harvard, fourteen pounds six shillings and threepence, . . . . .	14 6 3

## IN THE COUNTY OF PLYMOUTH.

Plymouth, seventy-seven pounds fifteen shillings and fourpence, . . . . .	77 15 4
Plimpton, forty-nine pounds ten shillings and eightpence, . . . . .	49 10 8

Seituate, one hundred and three pounds five shillings and fourpence, . . . . .	£103	5s.	4d.
Bridgwater, eighty-four pounds ten shillings, . . . . .	84	10	0
Marshfield, sixty-one pounds two shillings, . . . . .	61	2	0
Pembroke, twenty-seven pounds and eightpence, . . . . .	27	0	8
Duxborough, thirty-two pounds two shillings, . . . . .	32	2	0
Middleborough, fifty-four pounds four shillings and eightpence, . . . . .	54	4	8
Rochester, fifty-eight pounds eight shillings, . . . . .	58	8	0
Abington, twenty-four pounds four shillings, . . . . .	24	4	0
Kingston, twenty-four pounds four shillings, . . . . .	24	4	0
Hanover, twenty-three pounds fourteen shillings, . . . . .	23	14	0

## IN THE COUNTY OF BRISTOL.

Bristol, sixty-one pounds three shillings and fourpence, . . . . .	61	3	4
Taunton, eighty-three pounds ten shillings fourpence, . . . . .	83	10	4
Raynham, twenty pounds four shillings, . . . . .	20	4	0
Norton, thirty-six pounds one shilling and fourpence, . . . . .	36	1	4
Easton, thirteen pounds ten shillings and eightpence, . . . . .	13	10	8
Dartmouth, one hundred twenty-three pounds seven shill. and fourp., . . . . .	123	7	4
Dighton, thirty-two pounds eighteen shillings, . . . . .	32	18	0
Rehoboth, ninety-five pounds sixteen shillings, . . . . .	95	16	0
Little Compton, sixty-eight pounds eighteen shill. and eightpence, . . . . .	68	18	8
Swansey and Shewamet, seventy-eight pounds four shill. and eightp., . . . . .	78	4	8
Tiverton, thirty-seven pounds thirteen shillings and fourpence, . . . . .	37	13	4
Freetown, twenty-nine pounds eighteen shillings, . . . . .	29	18	0
Attleborough, forty-six pounds seventeen shillings and fourpence, . . . . .	46	17	4
Barrington, twenty-eight pounds ten shillings, . . . . .	28	10	0

## IN THE COUNTY OF BARNSTABLE.

Barnstable, one hundred and one pounds four shillings and eightpence, . . . . .	101	4	8
Yarmouth, sixty-two pounds two shillings and eightpence, . . . . .	62	2	8
Sandwich, sixty-four pounds seventeen shillings and fourpence, . . . . .	64	17	4
Eastham, seventy-four pounds seven shillings and fourpence, . . . . .	74	7	4
Truro, twenty-eight pounds sixteen shillings, . . . . .	28	16	0
Provincetown, thirteen pounds ten shillings and eightpence, . . . . .	13	10	8
Harwich, forty-six pounds seven shillings and fourpence, . . . . .	46	7	4
Falmouth, thirty-two pounds one shilling and fourpence, . . . . .	32	1	4
Chatham, twenty-four pounds four shillings, . . . . .	24	4	0

## IN THE COUNTY OF YORK.

York, sixty-seven pounds three shillings and fourpence, . . . . .	67	3	4
Kittery and Shoals, eighty-five pounds one shilling and fourpence, . . . . .	85	1	4
Berwick, thirty-nine pounds eight shillings, . . . . .	39	8	0
Wells, forty pounds six shillings, . . . . .	40	6	0

Falmouth, twenty-one pounds two shillings,	£21	2s.	0d.
Biddeford, fourteen pounds twelve shillings and eightpence,	14	12	8
Arundel, nine pounds five shillings and fourpence,	9	5	4
Scarborough, eighteen pounds four shillings,	18	4	0

IN THE COUNTY OF DUKES COUNTY.

Edgartown, thirty-two pounds,	32	0	0
Chilmark, thirty-six pounds four shillings,	36	4	0
Tisbury, eighteen pounds six shillings,	18	6	0

IN NANTUCKET COUNTY.

Sherbourn, one hundred and four pounds,	104	0	0
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Amounting in the whole to the sum of seven thousand nine hundred eighty-seven pounds sixteen shillings, . £7,987 16s. 0d.

*And be it further enacted by the authority aforesaid,*

[SECT. 2.] That the treasurer do forthwith send out his warrants, directed to the selectmen or assessors of each town or district within this province, requiring them, respectively, to assess the sum hereby set upon such town and district in manner following ; that is to say, to assess all rateable male polls above the age of sixteen years, at thirty-two pence per poll (excepting the governour, lieutenant-governour and their families, president, fellows and students of Harvard College, settled ministers and grammar-school masters, who are hereby exempted as well from being taxed for their polls, as for their estates being in their own hands and under their actual management and improvement), and other persons (if such there be), who through age, infirmity or extrem poverty, in the judgment of the assessors, are not capable of paying towards publick charges, they may except their polls and so much of their estates as, in their prudence, they shall think fit and judge meet.

[SECT. 3.] And the justices in general sessions, in the respective counties assembled, in granting a county tax or assessment, are hereby ordered and directed to apportion the same on the several towns in such counties, in proportion to their province rate ; and the assessors of each town in the province are also directed, in making any assessment, to govern themselves by the same rule ; and all estates, both real and personal, lying within the limits and bounds of such town or district, or next unto the same, not paying elsewhere, in whose hand, tenure, occupation or possession soever the same is or shall be found, and income by trade or faculty which any person or persons (except as before excepted) do or shall exercise in gaining, by money or other estate not particularly otherwise assessed, or commissions of profit in their improvement, according to their understanding and cunning, at one penny on the pound ; and to abate or multiply the same, if need be, so as to make up the sum hereby set and ordered for such town or district to pay ; and in making up their assessments, to estimate houses and lands at six years' income of the yearly rents whereat the same may be set or reasonably let for in the places where they lye : *saving* all contracts between landlord and tenant, and where no such contract is, the landlord to reimburse one-half of the tax set upon such houses and lands ; and to estimate Indian, negro and molatto servants or slaves, proportionably, as other personal estate, according to their sound judgment and discretion ; and also to estimate every ox of four years old and upwards, at forty shillings ; every cow of three years old and upwards, at thirty shillings ; every horse and mare of three years old and upwards, at forty shillings ; every swine of one year old and upwards, at eight shil-



lings; every sheep and goat of one year old and upwards, at three shillings: likewise requiring the assessors to make a fair list of the said assessment, setting forth in distinct columns, against each particular person's name, how much he or she is assessed at for polls, and how much for houses and lands, and how much for personal estate and income by trade or faculty; and the list or lists so perfected and signed by them, or the major part of them, to commit to the collectors or constables of such town or district, and to return a certificate of the name or names of such collectors, constable or constables, together with the sum total to each of them respectively committed, unto himself, sometime before the last day of October next.

[SECT. 4.] And the treasurer, for the time being, upon the receipt of such certificate, is hereby impowered and ordered to issue forth his warrants to the collectors, constable or constables of such town or district, requiring him or them, respectively, to collect the whole of each respective sum, assessed on each particular person, before the last day of March next; and of the inhabitants of the town of Boston, to collect their proportion sometime in the month of January foregoing; and to pay in their collection, and issue the accompts of the whole, at or before the last day of May next, which will be in the year of our Lord one thousand seven hundred and thirty-four.

*And be it further enacted by the authority aforesaid,*

[SECT. 5.] That the assessors of each town and district, respectively, in convenient time before their making the assessment, shall give seasonable warning to the inhabitants, in a town meeting, or by posting up notifications in some place or places in such town or district, or otherwise to notify the inhabitants to give or bring in to the said assessors true and perfect lists of their polls and rateable estates; and if any person or persons shall neglect or refuse so to do, or bring in a false list, it shall be lawfull to and for the said assessors to assess such person or persons according to their known ability in such town, in their sound judgment and discretion, their due proportion to this tax, as near as they can, agreeable to the rules herein given, under the penalty of twenty shillings for each person that shall be convicted by legal proof, in the judgment of the assessors, of bringing in a false list; the said fines to be for the use of the poor of such town or district where the delinquent lives, to be levied by warrant from the assessors, directed to the collector or constable in manner as is directed for gathering town assessments, and to be paid in to the town treasurer or selectmen for the use aforesaid: *saving* to the party agrieved at the judgment of the assessors in setting forth such fine, liberty of appeal therefrom to the court of general sessions of the peace within the county, for relief, as in case of being overrated.

[SECT. 6.] And if the party be not convicted of any falseness in the list by him presented of polls, rateable estates, or income by trade or faculty which he doth or shall exercise in gaining, by money at interest or otherwise, or other estate not particularly assessed, such list shall be a rule for such person's proportion to the tax, which the assessors may not exceed.

*And whereas*, oftentimes, sundry persons not belonging to this province, bringing in considerable goods and merchandize, and, by reason that the tax or rate of the town where they come to trade or traffick is finished and delivered to the constables or collectors, and, before the next year's assessment, are gone out of the province, and so pay nothing towards the support of the government, tho' in the time of their residing here they reaped considerable gain by trade, and had the protection of this government,—

*Be it therefore enacted by the authority aforesaid,*

[SECT. 7.] That when any such person or persons shall come and reside in any town of this province for the space of twenty days, and bring any merchandize, and trade and deal therewith, the assessors of such towns are hereby impowered to rate and assess all such persons according to their circumstances, pursuant to the rules and directions in this act provided, tho' the former rate may have been finished, and the new one not perfected, as aforesaid; and the constables or collectors are hereby enjoined to levy and collect all such sums committed unto them, and pay the same into the treasury of such town.  
[Passed June 21.]

# ACT

PASSED AT THE SESSION BEGUN AND HELD AT BOSTON,  
ON THE FIFTEENTH DAY OF AUGUST, A.D. 1733.

## CHAPTER 4.

AN ACT IN FURTHER ADDITION TO AN ACT ENTITLED "AN ACT FOR MAKING EFFECTUAL PROVISION FOR THE CALLING OF PRECINCT OR PARISH MEETINGS."

WHEREAS by an act made in the fourth and fifth years of the reign of his present majesty, entitl[ed] "An Act for making effectual provision for the calling of precinct or parish meetings," it is enacted, "That when it shall so happen, by the refusal of any committee impowered to call meetings in any parish or district, or their being disabled by the death or removal of the major part of such committee, that then it shall be lawful for any justice of the peace in the county where such precinct, district or parish lies, and such justice is impowered to issue out a warrant for the assembling such district or parish, &c."; but no provision is made by the said act for the calling of precinct or parish meetings after the first meeting, where there shall be a failure of chusing and appointing a committee to call meetings for the future, as it hath sometimes happened; by means whereof many inconveniences have arisen,—

Preamble.  
1731-32, chap. 10,  
§ 1.

*Be it therefore enacted by his Excellency the Governor, Council and Representatives in General Court assembled, and by the authority of the same,*

[SECT. 1.] That where no such committee has been chosen in any parish or precinct, then and in such case, upon application of five or more of the freeholders and inhabitants of such precinct or parish, to any one of his majesty's justices of the peace of the county where such precinct or parish lies, by writing, under their hands, for calling of a meeting, to chuse precinct officers, and to transact such matters and things necessary for the ordering the affairs of such precinct or parish, such justice is hereby impowered and directed to issue out a warrant for the assembling such precinct, district or parish as aforesaid, directed to the clerk (if any be) or one of the freeholders asking the same, requiring him to notify the freeholders and other inhabitants qualified by law to vote in town affairs, of the meeting, in like manner and according to the rules and directions prescribed in an act, entitled "An Act in further addition to the act for the more effectual providing for the support of ministers," made in the tenth year of the reign of King George the First.

A justice of the peace to call parish meetings, after the first meeting, in case.

1723-24, chap. 14.

*And whereas* many inconveniencies have arisen from a justice of the peace only being impowered to swear a precinct or parish clerk,—

Preamble.

The moderator  
of the meeting  
to swear the  
parish clerk, in  
case.

*Be it therefore enacted by the authority aforesaid,*

[SECT. 2.] That in case there be no justice of the peace present at the choice of a parish or precinct clerk, that then it shall be in the power of the moderator of such precinct or parish meeting, to swear such parish or precinct clerk to the faithful discharge of his office; who is hereby impowered to swear the rest of the precinct officers. [*Passed August 25; published August 27.*]

# ACTS

PASSED AT THE SESSION BEGUN AND HELD AT BOSTON,  
ON THE THIRD DAY OF OCTOBER, A.D. 1733.

## CHAPTER 5.

AN ACT IN FURTHER ADDITION TO THE SEVERAL ACTS OR LAWS FOR  
THE SETTLEM[EN]T AND DISTRIBUTION OF THE ESTATES OF INTES-  
TATES.

WHEREAS it often happens that persons dying intestate are seized and possessed of lands and other real estate lying and being in several counties within this province, and thereupon it hath been disputed whether the next of kin and heirs at law ought not to apply to the judges of probate in the respective counties where such lands and real estate lye, for a settlem[en]t and distribution of the same; by means whereof, not only great trouble, cost and charge hath arisen and been occasioned to the parties concerned, but the same hath been attended with many other inconveniencies,—

Preamble.  
1692-3, chap. 14  
1730-31, chap. 2

*Be it enacted by His Excellency the Govern[ou]r, Council and Representatives in General Court assembled, and by the authority of the same,*

[SECT. 1.] That when it shall so happen that any person shall dye intestate, seized of lands or other real estate, lying in several counties within this province, the judge of probate for any such county (preference to be always given to the judge of probate for the county where the deceased was an inhabitant at the time of his death) shall have full power and authority to make a settlem[en]t and distribution of the whole of the real estate of such intestate, in whatsoever county in this province lying and being, in the same manner and by the same rules as are already prescribed by law; and the like power and authority is hereby granted to the several judges of probate in this province, with respect to any intestate estate not already settled.

Power to settle  
lands in several  
counties by one  
judge of pro-  
bate.

*Provided, always,*

[SECT. 2.] That this act nor anything therein contained shall be construed to extend to or any wise affect any intestate estate already settled. [*Passed November 2; published November 16.*]

Proviso.



## CHAPTER 6.

AN ACT TO IMPOWER AND OBLIGE THE SURVIVING COMMISSIONERS, IN THE COUNTY OF HAMPSHIRE, OF THE HUNDRED THOUSAND POUNDS LOAN, SO CALLED, TO SETTLE THEIR ACCOMPTS, AND COMPLY WITH WHAT IS ENJOINED THE SAID COMMISSIONERS IN THE SEVERAL ACTS REFERRING TO THE SAID LOAN.

Preamble.  
1716-17, chap. 18.

WHEREAS, in the act for making and emitting the said sum of one hundred thousand pounds, made and passed in the third year of the reign of the late King George, it is enacted, “That Col[<sup>o</sup>]. John Pyncheon, Mr. Henry Dwight, Mr. Luke Hitchcock, John Ashley, Esq<sup>r</sup> and Mr. John Partridge should be [*the*] first trustees for the county of Hampshire” ; three of which said trustees are since dead, and the said John Pyncheon and John Ashley are only surviving, and no other persons have been appointed in the room of those deceased as aforesaid, so that there is not a major part of the said trustees, surviving, to act ; by means whereof the accompts of the said commissioners, for a considerable time past, remain unsettled, and great part of the principal money, and interest, let out in the said county of Hampshire, being part of the said loan, is yet outstanding, contrary to the said act, and to the hurt and detriment of the province,—

*Be it therefore enacted by His Excellency the Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

Surviving commissioners of the £100,000 loan, for the county of Hampshire, impowered to settle their accounts.

[SECT. 1.] That the aforesaid John Pyncheon and John Ashley, surviving commissioners as aforesaid, shall be and hereby are fully authorized, impowered and required, without delay, to settle the accompts of the commissioners of the said county of Hampshire respecting the said loan yet remaining unsettled, and pursue and follow the directions of the several acts or laws of this province referring thereto, in such manner as is therein directed, and as fully and effectually, to all intents and purposes whatsoever, as if a major part of the said commissioners were now living ; and shall be entitled to all the benefit and profit accruing thereby to the commissioners.

*And be it further enacted by the authority aforesaid,*

[SECT. 2.] That if the said surviving commissioners shall neglect their duty, enjoined the said commissioners in and by the acts aforesaid, they shall be liable and subject to the same penalty as all the said commissioners, if living, would have been by the acts aforesaid. [Passed November 8.]

## CHAPTER 7.

AN ACT FOR SUPPLYING THE TREASURY WITH THE SUM OF SEVENTY-SIX THOUSAND FIVE HUNDRED POUNDS, BILLS OF CREDIT, FOR DISCHARGING THE PUBLICK DEBTS, &c., AND FOR ESTABLISHING THE WAGES OF SUNDRY PERSONS, &c., IN THE SERVICE OF THE PROVINCE.

*Be it enacted by His Excellency the Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

Establishment of wages for Castle William.

[SECT. 1.] That the wages of the captain of Castle William shall be at the rate of twelve pounds fourteen shillings per month from April second, 1731, to April second, 1734 ; of the [i<sup>e</sup>][c]utenant for that term, seven pounds fourteen shillings per month ; of the chaplain, six

pounds three shillings per month; of the gunner, four pounds twelve shillings and fourpence per month; of the serjeant, two pounds thirteen shillings and fourpence per month; of six quarter-gunners, each two pounds thirteen shillings and fourpence per month; of three corporals, two pounds eight shillings per month; of a drummer, two pounds eight shillings per month; of thirty centinels, two pounds per month: for their subsistence, ten shillings per week for each man.

*And be it further enacted by the authority aforesaid,*

[SECT. 2.] That the wages of the captain of the country sloop from October second, 1730, to April second, 1734, shall be at the rate of six pounds per month; of the mate, four pounds per month; three sailors, at three pounds per month; for the sloop, twenty pounds per month.

For the country's sloop.

*And be it further enacted by the authority aforesaid,*

[SECT. 3.] That the wages of the captain of Richmond Fort, from May thirteenth, 1731, to May thirteenth, 1734, shall be at the rate of four pounds per month; of two serjeants, two pounds thirteen shillings and fourpence per month; of two corporals, two pounds eight shillings per month; of eighteen centinels, two pounds per month; of one armourer, six pounds per month; of one interpreter, six pounds per month; one truck-master, at one hundred and twenty pounds per annum; and for the chaplain there, at one hundred pounds per annum.

For Richmond Fort.

*And be it further enacted by the authority aforesaid,*

[SECT. 4.] That the wages of the captain of the truck-house on George's River, from May nineteenth, 1731, to May nineteenth, 1734, shall be at the rate of four pounds per month; of two lieutenants, two pounds thirteen shillings and fourpence per month; of one ensign, two pounds eight shillings per month; of one corporal, two pounds per month; of eighteen centinels, two pounds per month; of one armourer, six pounds per month; of one interpreter, six pounds per month; to the truck-master, after the rate of one hundred and twenty pounds per annum; and to the chaplain, after the rate of one hundred pounds per annum.

For the truck-house at St. George.

*And be it further enacted by the authority aforesaid,*

[SECT. 5.] That the wages of the captain of Winter Harbour Fort, from September twenty-sixth, 1730, to December twenty-sixth, 1733, shall be at the rate of two pounds five shillings per month; of the lieutenant, one pound seventeen shillings per month; of fourteen centinels, one pound ten shillings per month.

For Winter Harbor Fort.

*And be it further enacted by the authority aforesaid,*

[SECT. 6.] That the wages of the captain at the truck-house at Saco, from September twenty-third, 1730, to March twenty-third, 1733, shall be at the rate of four pounds per month; of the lieutenant, two pounds per month; of nine centinels, two pounds per month; of an interpreter, six pounds per month; of one armourer, six pounds per month; of the truck-master, at the rate of one hundred pounds per annum.

For the truck-house at Saco.

*And be it further enacted by the authority aforesaid,*

[SECT. 7.] That the wages of the captain of the fort at Brunswick, from September twenty-ninth, 1730, to March twenty-ninth, 1734, shall be at the rate of four pounds per month; of the lieutenant, two pounds thirteen shillings and fourpence per month; of one corporal, two pounds eight shillings per month; of sixteen centinels, two pounds per month.

For the fort at Brunswick.

*And be it further enacted by the authority aforesaid,*

[SECT. 8.] That the wages of the captain at the block-house above Northfield, from July, 1730, to July, 1734, shall be at the rate of four pounds per month; of the lieutenant, two pounds thirteen shillings and fourpence per month; and of eighteen centinels, two pounds

For the block-house above Northfield.

per month; the truck-master at the rate of one hundred pounds per annum; and the chaplain at the rate of one hundred pounds per annum: for the subsistence of each, six shillings per week.

*And be it further enacted by the authority aforesaid,*

Officers to make  
oath on their  
muster-rolls.

[SECT. 9.] That before payment of any muster-roll allowed, oath shall be made by the officer or person presenting such roll, that the officers and soldiers borne on said roll have been in actual service for the whole time they stand entered thereon.

*And be it further enacted by the authority aforesaid,*

£76,500 of bills  
of credit to be  
issued.

Appropriations.

[SECT. 10.] That the treasurer be and hereby is impowered and directed to issue forth and emit the sum of seventy-six thousand five hundred pounds, in bills of credit of this province, now lying in his hands, and received for taxes, impost, excise, &c., all which sums shall be employed for the necessary defence and support of this government, and for the protection and preservation of the inhabitants thereof; vizt., eight thousand one hundred and sixty-two pounds twelve shillings, part thereof, shall be applied to pay the wages and other sums now due or that may be due by virtue of the establishment of Castle William as above, and to and for no other purpose whatsoever;

£1,774 10s. for  
the country's  
sloop.

and seventeen hundred seventy-four pounds ten shillings more, part thereof, shall be applied for paying the several sums that are or may be due upon the above establishment of the pay of the sloop in the country's service, and of the wages of the captain's and men's serving in her, and to and for no other purpose whatsoever; and two thousand eight hundred eighty-three pounds and four shillings, a further part thereof, shall be applied for paying the wages of the officers, soldiers and others at Richmond Fort, according to the establishment above,

£2,883 4s. for  
Richmond Fort.

£3,667 12s. for  
the truck-house  
at St. George.

and for no other purpose whatsoever; and three thousand and sixty-seven pounds and twelve shillings, a further part thereof, shall be applied for the payment of the wages now due or that may be due to the officers, soldiers and others at the truck-house on George's River,

£1,054 for Win-  
ter Harbor Fort.

as by this act established; and one thousand fifty-four pounds and four shillings, a further part thereof, shall be applied to pay the wages due to the officers and soldiers at Winter Harbour Fort, according to the establishment thereof above, and for no other purpose whatsoever;

£1,848 for the  
fort at Bruns-  
wick.

and one thousand eight hundred and forty-eight pounds, a further part thereof, shall be applied for payment of the wages due or that may be due to the officers and soldiers at Brunswick Fort, according to the establishment thereof in this act made, and for no other purpose whatsoever;

£1,995 for the  
truck-house at  
Saco.

and one thousand nine hundred and ninety-five pounds, part thereof, shall be applied for paying the officers, soldiers and others at the truck-house above Saco, according to the establishment in this act provided, and for no other purpose whatsoever; and four thousand sixty-two pounds and eight shillings, a further part thereof, shall be applied for the payment of the wages due or that may be due to the officers, soldiers and others at the block-house above Northfield, upon the establishment thereof in this act made, and for no other purpose whatsoever;

£4,062 8s. for  
the block-house  
above North-  
field.

and twenty-six thousand five hundred eighty-nine pounds [and] six shillings more, part thereof also, shall be applied to pay such grants as are or shall be made by this court, and for the payment of stipends, bounties and præmiums established by law; and also for such other matters and things which this court have either by law or orders provided for the payment of, out of the public treasury, and for no other purpose whatsoever; and fifteen thousand sixty-three pounds and four shillings, part thereof, shall be applied for the discharge of other debts, owing from th[is][c] province, to persons who have served them by order of this court, in such matters and things where there is no establishment; and also for paper, printing and writing for this court, the

£26,589 6s. for  
grants of the  
court, &c.

£15,063 4s. for  
debts of the  
Province, where  
there is no  
establishment.

expences of committees, public entertainments [*and*] the entertainments of Indians, and presents made them, the gentlemen that attended his excellency at the late interview at Casco, disbursements and provisions arising on that account, repairs on the province house already made, indents, chyrurgeons' accounts, wooding Castle William, Fort Mary and the truck-house at Saco, repairs in and of the court house, expresses, the committee of councils' expences to Rhode Island, charges for repairing of the light-house boat, treasurer's disbursements for forts, truck-houses, and the sloop in the country's service, and surveying new towns.

*And whereas* there are from time to time contingent and unforeseen charges that demand prompt payment;—

*Be it further enacted,*

[SECT. 11.] That one thousand pounds, part of the aforesaid seventy-six thousand five hundred pounds, be applied to defray and pay such contingencies, and for no other use whatsoever.

£1,000 for contingent charges that demand prompt payment.

*And be it further enacted by the authority aforesaid,*

[SECT. 12.] That the sum of two thousand five hundred pounds, part of the aforesaid sum of seventy-six thousand five hundred pounds, be and hereby is appropriated and applied for payment of the members of his majesty's council, serving in the general court from the beginning of the session of the general court in May, 1732, unto the end of the session or sessions thereof, until May, 1734, and that for and during that term each of the members of the council, serving in the general court, shall be intitled to ten shillings *per diem*, in bills of credit, to be paid out of the public treasury, upon warrant, according to the directions in the royal charter; certificate to be given by the secretary of the number of days of such members' attendance, and travel to and from the said court: twenty miles to be accounted a day's travel.

£2,500 for councilors' attendance.

*And be it further enacted by the authority aforesaid,*

[SECT. 13.] That the sum of six thousand five hundred pounds, part of the aforesaid sum of seventy-six thousand five hundred pounds, be and hereby is appropriated and applied for the payment of the representatives, serving in the general court for the two years aforesaid, who shall be intitled to six shillings *per diem*, in bills of credit, to be paid out of the public treasury, upon warrant, as aforesaid; certificate to be given by the clerk of the house of representatives, of the number of days of such members' attendance, and travel to and from said court: twenty miles to be accounted a day's travel.

£6,500 for representatives' attendance.

And for a fund and security for drawing in such sum or sums as shall be paid out to the representatives of the several towns in manner as aforesaid,—

*Be it enacted,*

[SECT. 14.] That there be and hereby is granted unto his most excellent majesty, a tax of such sum or sums as shall be paid to the several representatives, as aforesaid, to be levied and assessed on the polls and estates of the inhabitants of the several towns, according to what their respective representatives shall so receive; which sums shall be set on said towns in the next province tax; and the assessors of the said towns shall make their assessment for this tax, and apportion the same, according to the rule that shall be prescribed by act of the general assembly for assessing the next province tax; and the constables in their several districts shall pay in the same, when they pay in the province tax for the next year, of which the treasurer is hereby directed to keep a distinct and separate account.

Fund for the representatives' money.

*And be it further enacted by the authority aforesaid,*

[SECT. 15.] That if there be a surplusage in any sum appropriated, such surplusage shall ly[e] in the treasury for the further order of this court.

Surplusage to lie in the treasury.



Treasurer's and  
secretary's  
duty.

*And be it further enacted by the authority aforesaid,*

[SECT. 16.] That each and every warrant for drawing money out of the treasury, shall direct the treasurer to take the same out of such sums as are respectively appropriated for the payment of such public debts as the draughts are made to discharge; and the treasurer is hereby directed and ordered to pay such mon[e]y out of such appropriations as directed to, and no other, upon pain of refunding all such sum or sums as he shall otherwise pay; and to keep exact and distinct accompts of all payments made out of such appropriated sum; and that the secretary, to whom it belongs to keep the muster-rolls and accompts of charge, be directed to lay before the house all such muster-rolls and accounts, when desired, after payment thereof.

Funds.

And as a further fund and security for drawing the said sum of seventy-six thousand five hundred pounds into the treasury again,—

*Be it enacted by the authority aforesaid.*

£3,525 in 1734.

[SECT. 17.] That there be and hereby is granted to his most excellent majesty, for the ends and uses aforesaid, a tax of three thousand five hundred and twenty-five pounds, to be levied on polls, and estates both real and personal, within this province, according to such rules, and in such proportions on the several towns and districts within the same, as shall be agreed upon and ordered by this court at their session in May, one thousand seven hundred and thirty-four, to be paid into the public treasury on or before the last day of December next after.

*And be it further enacted by the authority aforesaid,*

£13,525 in 1735.

[SECT. 18.] That there be and hereby is granted to his most excellent majesty, for the ends and uses aforesaid, a tax of thirteen thousand five hundred and twenty-five pounds, to be levied on polls, and estates both real and personal, within this province, according to such rules, and in such proportions on the several towns and districts within the same, as shall be agreed upon and ordered by this court at their session in May, one thousand seven hundred and thirty-five, to be paid into the public treasury on or before the last day of December next after.

*And be it enacted by the authority aforesaid,*

£11,725 in 1736.

[SECT. 19.] That there be and hereby is granted to his most excellent majesty, for the ends and uses aforesaid, a tax of eleven thousand seven hundred and twenty-five pounds, to be levied on polls, and estates both real and personal, within this province, according to such rules, and in such proportions upon the several towns and districts within the same, as shall be agreed upon and ordered by this court at their session in May, one thousand seven hundred and thirty-six, to be paid into the public treasury on or before the last day of December next after.

*And be it enacted by the authority aforesaid,*

£13,525 in 1737.

[SECT. 20.] That there be and hereby is granted to his most excellent majesty, for the ends and uses aforesaid, a tax of thirteen thousand five hundred and twenty-five pounds, to be levied on polls, and estates both real and personal, within this province, according to such rules, and in such proportion upon the several towns and districts within the same, as shall be agreed upon and ordered by this court at their session in May, one thousand seven hundred and thirty-seven, to be paid into the public treasury on or before the last day of December next after.

*And be it further enacted by the authority aforesaid,*

£4,125 in 1738.

[SECT. 21.] That there be and hereby is granted to his most excellent majesty, for the ends and uses aforesaid, a tax of four thousand one hundred and twenty-five pounds, to be levied on polls, and estates both real and personal, within this province, according to such rules, and in such proportion upon the several towns and districts within the same, as shall be agreed upon and ordered by this court at their session in May, one thousand seven hundred and thirty-eight, to be paid into the public treasury on or before the last day of December next after.



*And be it enacted by the authority aforesaid,*

[SECT. 22.] That there be and hereby is granted to his most excellent majesty, for the ends and uses aforesaid, a tax of five thousand five hundred and twenty-five pounds, to be levied on polls, and estates both real and personal, within this province, according to such rules, and in such proportion upon the several towns and districts within the same, as shall be agreed upon and ordered by this court at their session in May, one thousand seven hundred and thirty-nine, to be paid into the public treasury on or before the last day of December next after. £5,525 in 1739.

*And be it further enacted by the authority aforesaid,*

[SECT. 23.] That there be and hereby is granted to his most excellent majesty, for the ends and uses aforesaid, a tax of five thousand five hundred and twenty-five pounds, to be levied on polls, and estates both real and personal, within this province, according to such rules, and in such proportion upon the several towns and districts within the same, as shall be agreed upon and ordered by this court at their session in May, one thousand seven hundred and forty, to be paid into the public treasury on or before the last day of December next after. £5,525 in 1740.

*And be it further enacted by the authority aforesaid,*

[SECT. 24.] That there be and hereby is granted to his most excellent majesty, for the ends and uses aforesaid, a tax of twelve thousand five hundred and twenty-five pounds, to be levied on polls, and estates both real and personal, within this province, according to such rules, and in such proportion upon the several towns and districts within the same, as shall be agreed upon and ordered by this court at their session in May, one thousand seven hundred and forty-one, to be paid into the public treasury on or before the last day of December next after. £12,525 in 1741.

[*Passed November 2.*]

## CHAPTER 8.

AN ACT FOR PERAMBULATING THE BOUNDARY LINE BETWEEN THIS PROVINCE AND THE COLONY OF CONNECTICUTT, AND APPOINTING A COMMITTEE FOR THAT PURPOSE.

WHEREAS the divisional line between this province and the colony of Connecticut was settled and confirmed in the year one thousand seven hundred and thirteen, and then run by commissioners of each governm<sup>t</sup> accordingly, but no renewal thereof has been since that time, and it being necessary that the said line should be kept up and known by persons of each government,—

*Be it therefore enacted by His Excellency the Governor, Council and Representatives in General Court assembled, and by the authority of the same,*

That William Dudley, Ebenezer Burril, John Wainwright, William Brattle and John Chandler, Jun<sup>r</sup>., Esq<sup>r</sup>., or any three of them, be, and hereby are, fully authorized and impowered a committee on behalf of this province, to meet with such persons as shall be appointed by the colony of Connecticut, at such time and place as shall be agreed on by both committees, in order to perambulate\* the line between the two governm<sup>ts</sup>, and renew the boundaries thereof from Rhoad-Island government, on the east, as far as the colony of Connecticut extends; the committee for this province to make report of their doings to this court as soon as may be. [*Passed November 2.*]

# ACTS

PASSED AT THE SESSION BEGUN AND HELD AT BOSTON,  
ON THE TWENTY-FOURTH DAY OF JANUARY,  
A.D. 1733-34.

## CHAPTER 9.

AN ACT FOR ALTERING THE TIMES FOR HOLDING THE SUPERIOUR COURT OF JUDICATURE, COURT OF ASSIZE AND GENERAL GOAL DELIVERY, WITHIN AND FOR THE COUNTIES OF PL[Y][I]MOUTH, BARNSTABLE AND DUKES COUNTY, ESSEX AND YORK.

### Preamble.

1720-21, chap. 1,  
§ 3.  
1727-28, chap. 15.

WHEREAS at present the superiour court holden at Barnstable, for the counties of Barnstable and Dukes County, preceeds the time for holding the superiour court at Pl[y][i]mouth, for the county of Pl[y][i]mouth, and the superiour court at York, for the county of York, is holden the week before the superiour court at Ipswich, for the county of Essex; which is found to be inconvenient, and the transposing or altering the order of the courts aforesaid, would be much better and more acceptable to the respective counties and parties concerned,—

*Be it therefore enacted by His Excellency the Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

Time of the  
superior court's  
sitting at Barn-  
stable.

[SECT. 1.] That the said superiour court of judicature, court of assize and general goal delivery, appointed to be held at Barnstable, for the counties of Barnstable and Dukes County, on the Tuesday in the week immediately preceding the last Tuesday of April yearly, shall be henceforth holden and kept at Barnstable aforesaid, for the said counties of Barnstable and Dukes County on the last Tuesday of April yearly; and that the said superiour court of judicature, court of assize and general goal delivery appointed to be held at Pl[y][i]mouth, for the county of Pl[y][i]mouth, on the last Tuesday of April yearly, be henceforth holden and kept at Pl[y][i]mouth aforesaid, for the said county of Pl[y][i]mouth, on the Tuesday immediately preceding the last Tuesday of April annually.

—at Plymouth.

*And be it further enacted by the authority aforesaid,*

—at Ipswich.

[SECT. 2.] That the said superiour court of judicature, court of assize and general goal delivery, appointed to be held at Ipswich, for the county of Essex, on the third Tuesday of May yearly, shall be henceforth holden and kept at Ipswich aforesaid, for the said county of Essex, on the second Tuesday of May yearly; and that the said superiour court of judicature, court of assize and general goal delivery, appointed to be held at York for the county of York, on the Wednesday next immediately preceding the time appointed by law for holding the superiour court of judicature, &c., at Ipswich, for the county of Essex, shall be henceforth holden and kept at York aforesaid, for the said county of York, on the third Tuesday of May annually.

—at York.

*And be it further enacted by the authority aforesaid,*

[SECT. 3.] That all appeals, reviews, recognizances, warrants or other process, already issued, taken, filed, or to be filed, continued, or any ways depending, which are to be heard and tried at the respective towns of Barnstable for the counties of Barnstable and Dukes County, Pl[y][i]mouth for the county of Pl[y][i]mouth, Ipswich for the county of Essex, York for the county of York, according to the respective times or days already appointed by law, shall not fail or be discontinued, but be valid and stand good, to all intents and purposes, in the law, and be heard, tried and determined at the respective times and days set and appointed by this act; and that the clerks of the said courts, in making out writs of *venire facias* for the choice of jurors, take notice that they give their attendance on the first day of the said courts' sitting; and all officers and other persons concerned, are required to conform themselves accordingly. [*Passed March 4, 1733-34.*]

All processes to stand good.

Clerks of the court to issue *venires*.

## CHAPTER 10.

AN ACT FOR ERECTING A NEW TOWN WITHIN THE COUNTY OF ESSEX,  
AT A PLANTATION CALLED PENNYCOOK, BY THE NAME OF RUMFORD.

WHEREAS the plantation of Pennycook, so called, of the contents of seven miles square, and one hundred rods extending on the south bounds the full breadth of the s[ai]d plantation, which has, by this court, formerly been, and hereby is, declared to lye in the county of Essex, is competently filled with inhabitants, who have built and finished a convenient meeting-house for the publick worship of God, and sometime since have settled a learned, orthodox minister among them, and have, to full satisfaction, complied with all the articles and conditions of the grant respecting their settlement, and thereupon have addressed this court to be erected into a sep[a]c[ra]te and distinct township, to hold and enjoy equal powers and privileges with the other towns in the province,—

*Be it enacted by His Excellency the Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

That the plantation of Pennycook, in the county of Essex, as the same is hereafter bounded and described, be, and hereby is, set[t] off and constituted a sep[a]c[ra]te and distinct township, by the name of Rumford, the bounds of the said township being as follows; vizt. beginning where Contoocook River falls into Merrimack River, and thence to extend upon a course east, seventeen degrees north, three miles, and upon a course west, seventeen degrees south, four miles, which is the no[r]therly bounds of the said township; and from the other parts of that line, to be set[t] off southerly, at right angles, until[1] seven miles and one hundred rods shall be accomplished from the said no[r]thern bounds; and that the inhabitants thereof be, and hereby are, vested and endowed with equal powers, privileges and immunities that the inhabitants of any of the other towns within this province are or ought by law to be vested or endowed with. ° [*Passed March 4, 1733-34.*]

The lands at Pennacook made a town by the name of Rumford. Bounds of said town.

## CHAPTER 11.

AN ACT FOR REPAIRING HIS MAJESTY'S CASTLE, CALLED CASTLE WILLIAM, AND FOR SUPPLYING THE TREASURY WITH BILLS OF PUBLICK CREDIT FOR DEFRAYING THE CHARGE THEREOF,

*Be it enacted by His Excellency the Governor, Council and Representatives in General Court assembled, and by the authority of the same,*

[SECT. 1.] That the repairs of said castle hereafter mentioned, be effected with all expedition; viz., that all the platforms be new laid; that there be a sufficient number of stockadoes and stones fixed for securing the eastern and western ends of the island; that there be thirty-six large and forty-eight small gun-carriages made new, as also two new gins to manage\* the guns; that the brickwork be repaired where it is shattered; that the blockhouse be new shingled, and copings made of boards and shingles to cover the brickwork upon the walls, and the barracks mended where they leak; that there be a battery erected, for the receiving fifteen large guns, on the eastern part of the island, to command the ships as they come up the channel towards the castle.

*And be it further enacted by the authority aforesaid,*

[SECT. 2.] That for defraying the charge of the aforesaid repairs, the treasurer be and hereby is directed to issue forth and emit the sum of two thousand and seven hundred pounds, in bills of credit on this province, now lying in his hands and received in by taxes, impost, excise or otherwise; all which sum is appropriated and shall be employed to and for the payment of the charge of the aforesaid repairs, and to and for no other use whatsoever.

*And be it further enacted by the authority aforesaid,*

[SECT. 3.] That there shall be a committee chosen and appointed by this court, consisting of three persons, to take care and see to the effecting of the aforesaid repairs in the most prudent manner; to be paid for their service such sum or sums as this court shall judge equitable, and grant.

*And be it further enacted by the authority aforesaid,*

[SECT. 4.] That those who shall furnish any of the materials, or perform any labour in or for the aforesaid repairs, shall present a duplicate of their accompts of such materials or labour to the aforesaid committee, one of which duplicate shall be lodged with the secretary when prefer'd for allowance, which accompts, after payment, the secretary shall lay before the house of representatives when desired; and the treasurer is hereby directed and ordered to pay such draughts as shall be made upon him, to defray the charge of the afores<sup>d</sup> repairs, out of the sum appropriated for that purpose, and out of no other sum whatsoever.

*And be it further enacted,*

[SECT. 5.] That if there be a surplusage, it shall ly in the treasury for the further order of this court.

And as a fund and security for drawing the aforesaid sum of two thousand seven hundred pounds into the treasury again,—

*Be it enacted by the authority aforesaid,*

[SECT. 6.] That there be, and hereby is, granted to his most excellent majesty, for the ends and uses aforesaid, a tax of one thousand three hundred and fifty pounds, to<sup>†</sup> levied on polls, and estates both real and personal, within this province, according to such rules, and in such

\* *Sic*: manage?

† *Sic*: "be" omitted.

proportion upon the several towns and districts within the same, as shall be agreed on and ordered by this court, at their session in May, one thousand seven hundred and thirty-seven, to be paid into the publick treasury on or before the last day of December next after.

And as a further fund and security for drawing in the aforesaid sum of two thousand seven hundred pounds into the treasury again,—

*Be it enacted by the authority aforesaid,*

[SECT. 7.] That there be, and hereby is, granted to his most excellent majesty, for the ends and uses aforesaid, a tax of one thousand three hundred and fifty pounds, to be levied upon polls, and estates both real and personal, within this province, according to such rules, and in such proportion upon the several towns and districts within the same as shall be agreed on and ordered by this court, at their session in May, one thousand seven hundred and thirty-eight, and paid into the publick treasury on or before the last of December next after. [*Passed February 16, 1733-34.*]



# ACTS

PASSED AT THE SESSION BEGUN AND HELD AT BOSTON,  
ON THE TENTH DAY OF APRIL, A.D. 1734.

## CHAPTER 12.

AN ACT FOR GRANTING THE SUM OF THREE THOUSAND POUNDS FOR  
THE SUPPORT OF HIS MAJESTY'S GOVERNOUR.

*Be it enacted by His Excellency the Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

That the sum of three thousand pounds, in bills of publick credit on this province, be and hereby is granted unto his most excellent majesty, to be paid out of the publick treasury to his excellency Jonathan Belcher, Esq<sup>r</sup>, captain-general and governour-in-chief in and over his majesty's province of the Massachusetts Bay, to enable him to go on in managing the publick affairs. [*Passed April 19, 1734.*]

## CHAPTER 13.

AN ACT IN FURTHER ADDITION TO AN ACT INTITLED "AN ACT FOR  
THE PUNISHING OF CRIMINAL OFFENDERS."

Preamble.  
1692-3, chap. 18.

WHEREAS the penalties already provided in and by an act made and passed in the fourth year of the reign of King William and Queen Mary, intituled "An Act for the punishing of criminal offenders," have, in a great measure, proved ineffectual to restrain persons from drunkenness, prophane swearing and cursing,—

*Be it therefore enacted by His Excellency the Governor, Council and Representatives in General Court assembled, and by the authority of the same,*

Penalties for  
drunkenness  
and profane  
swearing and  
cursing.

That for the future, whoever shall be convicted of prophane swearing or cursing shall, for the first offence, forfeit and pay the sum of ten shillings; and for every such oath or curse after the first, uttered at the same time, and in the hearing of the same person or persons, the sum of two shillings. And if any such offender shall, at any other time afterward, be convicted of profane swearing or cursing, he or she shall forfeit and pay, for every such oath or curse, the sum of ten shillings, and also be proceeded with in like manner as the aforesaid act directs in case of a second conviction of drunkenness. And if any person shall be convicted of drunkenness, such offender shall forfeit and

pay the sum of ten shillings for every such offence: the respective fines beforementioned to be recovered in the manner, at the time, and disposed of for the use, in said act mentioned; and in case any such offender, as aforesaid, shall be unable or refuse to pay [the] [such] fine or fines on him or her imposed, the justice or justices before whom the conviction shall be, are hereby empowered to punish such offender, agreeable to the direction of the law made in the fifth year of King William and Queen Mary, intitled "An additional act for the punishing [of] criminal offences." [*Passed April 19; published April 10, 1734.*]

1693, chap. 9.

NOTES.—There were five sessions of the General Court this year.

The engrossments of chapters 2 and 3 of the foregoing acts are lost; all the rest are preserved. Chapters 2, 3, 8 and 11 were not printed with the sessions acts; but the first two were printed separately, and chapter 2 is here printed from the copy in the Public Record Office.

Chapters 1, 2, 3 and 4 were referred, by the committee of the Privy Council on plantation affairs, to the Board of Trade, March 22, 1733-34. Chapters 5 to 11, inclusive, were received, by the Committee, from Mr. Wilks, the agent of the Province, July 20, 1734; and chapters 12 and 13 were received, in like manner, December 19, 1734. They were all submitted to Mr. Fane, who reported upon the first four, June 29, 1734, and upon the remaining acts, May 14, 1735, that he had "no objection," &c. Upon receipt of Mr. Fane's reports, the Lords of Trade took all these acts into consideration, from time to time, between the 17th and the 27th of June, 1735, and, on the ninth of February following, reported to the committee of the Council as follows: that chapters 2, 3, 6 and 8 were "temporary, and must either have had their effect before this time, or, at least, little remains depending thereon"; that chapters 1, 4, 5, 9 and 10 were "enacted for the private convenience of the Province, and we see no reason why His Majesty may not be graciously pleased to confirm them"; and that chapters 7 and 11 were enacted "for issuing paper bills of credit"; and, with regard to these last, they conclude that, "not being agreeable to His Majesty's Instructions, We should have reported our opinion for the repeal of them, but for the confusion into which We apprehend that step might throw the Province, That for emitting 27,371 *li.* 13s. 4d. being expired and the Mony called in, and there remaining but 43,925 *li.* current of the Mony issued by the other two Acts, which must all be called in at several periods ending in the year 1741, We submit it to Your Lordships whether it may not be advisable to let these Acts expire of themselves, and to send the Governor a peremptory instruction not to give his assent for the future to any Act of this nature without a suspending clause for preventing its taking effect until His Majesty's pleasure be known thereon."

1734-35, chap. 1.

The committee of the Council, accordingly, ordered the draught of an instruction as above proposed, which is printed in the note to 1734-35, chapter 1, *post*. The date of this order is March 2, 1736-37, and on the 21st of April following, chapters 1, 4, 5, 9 and 10 were confirmed by an order in Council.

Chapter 12 was specially considered and acted upon, as shown in the note to that chapter, *post*.

*Chap. 7.* During Shute's administration the House had succeeded in establishing a new form of resolve for supplying the treasury, by which their right to examine all accounts and vouchers, before the Governor and Council could draw warrants for payment, was virtually acknowledged by the Governor. Burnet, after signing a similar resolve in 1728, refused to approve another for emitting £20,000, which passed both branches July 3, 1729, declaring, by message, that he did not "think proper to consent to any form for supply of the treasury but what was practised before 1721"; and to a subsequent message from the House, replied that he should lay the matter "before the Lords of Trade and take their directions herein."

Burnet's objections were, first, that a formal act, and not a resolve, merely, was required by the charter; and, second, that the power given in the charter to the Governor and Council, to dispose of the grants of the General Court, carried with it the sole right to examine and allow accounts and vouchers, and that, therefore, the assumption by the House of this right was an infringement upon the Royal prerogative reserved to the King's Governor and Council. In arguing the former point in his message of August 27, 1729, the Governor cited the opinion of the King's Attorney- and Solicitor-General, as expressed in their report upon the complaints made to the Home Government by Governor Shute, "that attempting to pass proclamations by the legislature, seems to give such ordinances or proclamations the force of laws in the Province; which is an innovation of dangerous tendency, since they do not find that those ordinances are ever sent over for His Majesty's approbation: from hence the people may, in time, be taught to look upon acts or orders of the General Assembly as laws, tho they are known never to be transmitted for the Royal allowance; which is directly contrary to the charter and will tend to weaken the dependence upon the Crown of Great Britain." The House rejoined in a message, on the 30th, in which they declare "that the general resolve for a supply, and the particular orders of the Courts for allowing accompts, subsequent thereon, are fully comprehended and plainly intended in the word *acts* mentioned in the charter."

This controversy was pending at Burnet's death; but Dummer, soon after that event, assented to the passage of a resolve for emitting £20,000, in accordance with the form last established. The explicit instruction to Dummer, however, to consent to no supply of the treasury except by a formal act, which instruction was renewed to Belcher, led, as we have seen, to the substitution of acts for resolves in granting supplies; and in the first

supply-act passed under Belcher's administration the Governor and Council were permitted to draw warrants, for payment, according to their discretion. Upon the question of the passage of a supply-act by the next General Court, however, the House, after repeated unsuccessful attempts to secure the concurrence of the Council in enacting a bill requiring all accounts to be passed on by the General Court before payment, finally passed an act, under protest, without this clause, and, at the same time, voted an address to the King for the withdrawal of the instruction.

This address was followed by another from both branches of the next Assembly, June 18, 1731; and by still another from both branches of a later Assembly, December 14, 1732. This last was accompanied by a memorial to the House of Commons, to be used if all efforts before the Privy Council should prove unavailing.

These addresses were faithfully reinforced by the arguments and influence of Mr. Wilks, the agent of the Province in London. The first was referred to the committee (of the Privy Council) for plantation affairs, July 1, 1731; Mr. Wilks submitted a written argument in behalf of the House, November 3; the Committee reported adversely December 1; an order in council followed, December 23, approving of the committee's report and signifying the King's pleasure that no alteration be made in the instructions.

The third address was referred to the same committee, February 21, 1732-33, who reported upon the 28th of March following. In this report they reaffirmed the opinion expressed in their former report, that if the instruction were withdrawn, the Assembly "would be in possession of a power superior to any which the British House of Commons lays claim to in cases of the same nature." They further reported that they had thought it proper to direct the King's Attorney- and Solicitor-General to consider and report to them whether the instruction complained of be agreeable to the Province charter, and recite the following, as the opinion of those eminent lawyers (Yorke and Talbot):—

"We are of opinion that the said 30<sup>th</sup> Article of His Majesty's Instructions to Governor Belcher is perfectly agreeable to the said Charter—The power of imposing taxes which includes the whole power of raising money or issuing Bills of Credit which is only one Method of raising Money being granted to the Gen<sup>l</sup> Court or Assembly and ought to be exercised only by Acts of Assembly—As to the issuing and disposition of the Money after it is granted, the words of the Charter are very plain that it shall be by the Governor with the advice and consent of the Council for His Majesty's service in the necessary defence and support of the Government of the Province and the protection of the inhabitants and tho' it is added according to such Acts as are or shall be in force within our said Province yet we conceive the true meaning and construction of those words to be that the Money should be applied according to such General Clauses of Appropriation describing the nature of the services for which it was given as should be mentioned in such acts but not to restrain the Governor and Council from making such a distribution upon the particular Articles of those Services or from passing the accounts or paying the persons by whom such services should be performed in such manner as they should think fit consistently with the general clauses of appropriation But such distribution accounts and payments will be subject to future Enquiries to be made in a regular method by the Assembly or House of Representatives as to the application of the Money and the consistency thereof with the appropriating Clauses for which a proper reservation is made by the Instruction."

Upon this report of the Committee (which represented, further, that these repeated applications by the Provincial Legislature were instances of "great undutifulness," and that the Assembly's persistence "evidently shows that their design is to assume to themselves the executive power of the government of the said Province, and has a direct tendency to throw off their dependence upon Great Britain, which is so necessary to be maintained even for their own preservation") an order passed in council May 10, 1733, declaring the King's "high displeasure at these repeated applications upon points which have been already maturely considered and determined by His Majesty in council." The order further renewed the declaration, formerly made, that no alteration be made in the instructions complained of.

The House seem to have taken this final decision of the Privy Council as conclusive; and accordingly passed this chapter and sent it up for concurrence accompanied by the following message:—

"October 26, 1733.—In the House of Representatives Voted that the following Message accompany the Bill for supplying the Treasury this day pass'd; viz.,

Whereas for divers years there has been a Clause in the Resolves or orders for supplying the Province Treasury, reserving the Passing upon Accounts of Service performed for the Province before Payment; In which Method the House of Representatives have not been able to proceed, by reason of a Royal Instruction to his Excellency the Governor, forbidding him to consent to such a Supply; Whereupon the House of Representatives in April 1731, address'd his Majesty for Relief therein; & afterwards in June, the same Year, the Council & Representatives united in an humble Address that the said Instruction might be withdrawn; but by neither of them could procure any Redress: Which notwithstanding, the Council & Representatives being fully perswaded of their Right to supply, as they had done, again presented an humble Address to his Majesty on that head, more largely setting forth their Right, & Praying they might not be obstructed in the Exercise of the same; But no favourable Answer could be obtained. By reason of these great Difficulties & Obstructions, the House of Representatives have met with in supplying the Treasury, in such way & method as they, together with his Majesty's Council, apprehend, best adapted to secure the publick moneys; & to which by the Royal Charter they have good Right there has been no general Supply since Septem<sup>r</sup> 1730. Consequently the standing Charge of the Govern<sup>mt</sup>, not being defrayed, the Province is become greatly indebted: The Representatives therefore out of their great Zeal for his Majesty's Honour & Service, & their earnest Desire to preserve the publick Peace & Quiet of the Govern<sup>mt</sup> to discharge the Debts, & to render every one their just Due, have judged it more convenient to suspend the Exercise

of their Right of examining accounts before Payment, in the present Supply. These Reasons have induced the House to pass the Bill now sent up, altho they are of the same Opinion with former Assemblies, as to their Right of examining Accounts: But they think they ought in Faithfulness at the same time to declare in this publick manner, that they have pass'd this Bill for supplying the Treasury merely for the Reasons aforementioned, & not from any Apprehensions that they have no just Claim to the right they have so long insisted on; And lest it sh<sup>d</sup> be hereafter suggested that the House of Representatives did after much Consideration & long debate, give up this Point; We think it our Duty, further to declare, that we cannot but apprehend, that the Royal Charter doth empower the General Court to reserve to themselves (in the Act for Supply) the examination of Accounts; & in it to direct that Money be paid out of the Treasury for the Discharge of such Accounts only of Service, as are allowed by the whole Court: But not being able, at this time, to exercise such Power; & concluding that, by this Supply, we do not any ways foreclose or impede future Assemblies, as to this Right of passing on Accounts before Payment; And considering that great Distress & Difficulties are like to arise from an empty Treasury; we have judged it more convenient to pass the present Bill for Supply & suspending the Exercise of our Right aforesaid than any further to insist on it, at this time; Leaving the Exercise thereof to be reassumed by any future Assembly."—*Council Records*, vol. XV., pp. 427-8.

The act was forwarded to the Privy Council, and was objected to by them as conflicting with the 16th instruction to Governor Belcher, but was suffered to expire according to its own limitation, as stated in the general note on page 701, *ante*. See, also, note to 1730-31, chap. 17, p. 596, *ante*.

*Chap. 12.* This bill was passed to be enacted by both branches June 20, but failed to receive the Governor's signature as not being in accordance with his instructions to insist upon a permanent salary. On the 28th of June the Governor enclosed a copy of the bill, with a letter to the Lords of Trade in which he solicited them to procure for him leave to assent to its enactment. The following is an extract from his letter relating to this subject:—

"Your Lordships will observe by the Votes of the Massachusetts Assembly, that there arose a difficulty the 6<sup>th</sup> Current about their voting my support, and some men of great influence were entirely against my having any, unless I wou'd break the King's Instructions, and sign the Bill for supply of the Treasury in the way they are contending for and contrary to the Charter and the Question put for my support was first of all past without those words *at this time*. But when the violent opposers to any peace in the government lookt on the question so standing, it's supposed they thought it was too bold and barefac'd upon the King to whom they have made so many publick and solemn promises of amply and honourably supporting his Governour and to do it, the first thing at their May Session, Therefore after the vote was past of 6. current, they propos'd an Amendment to it of those words *at this time* And yet when the motion came forward again on the 15<sup>th</sup> the same sett of men oppos'd any bill for the Governour's support unless it were tack'd to a Bill for supply of the Treasury in the manner before mentioned—Thus Your Lordships see the difficulties I labour under for paying a strict duty and obedience to His Majesty, and it shall be my care My Lords, that this people shall never have any other complaint against me, and notwithstanding the opposition made to it, yet I now inclose Your Lordships a Bill past by the House of Representatives and by His Majesty's Council the 20<sup>th</sup> Current of £3000. for my support, and I again pray Your Lordships favour that I may have the Royal leave for giving my assent to this Bill, and wou'd hope Your Lordships will think it most consistent with the King's Honour that the leave be general for the future and which will save Your Lordships a great deal of trouble and me a great expense of soliciting leave to take my bread and I must freely repeat to Your Lordships that there is not the least prospect of a Gov<sup>t</sup> being ever supported by an Assembly here in any other manner, and I believe Your Lordships will allow that it is a great hardship upon a Governour to spend his Salary a year before he gets it, as has been my case hitherto—and as I have often said to Your Lordships shou'd my mortality happen while soliciting for leave the Assembly seems to me to have so little justice or honour as that I don't expect the Grant wou'd ever be reviv'd and the hard fate of Gov<sup>t</sup> Burnet's Family must convince the world of what I say in this matter, I therefore intreat Your Lordships that the Royal leave may have as much dispatch as possible for by the delay of it the last year, it arriv'd but five days before the then Assembly must have expir'd according to the Royal Charter, when that Grant wou'd have been lost."

This application by the Governor was seconded by his son, who was acting as his agent in London; and upon the petition of the latter, the Lords of Trade made a favorable report, November 13th, "in consideration of his (Governor Belcher's) behaviour in the Assembly of the Mass. Bay in the year 1732 where he asserted the rights of the Crown and endeavoured to dissuade those people from pursuing the undutiful & pernicious measures they were then engaged in." Thereupon a representation to the Privy Council followed, December 11th, with the draught of an additional instruction for the Governor to assent to the passage of the act. This draught was approved by an order in council January 10, 1733-34.—See note to 1731-32, chap. 5, *ante*.

*Chap. 13.* "The Bishop of London having presented a petition to his late Majesty beseeching him to send Instruct<sup>s</sup> to Gov<sup>s</sup> of all Plantat<sup>s</sup> to cause all Laws to be vigorously executed against Blasphemy, Prophaneness, Adultery, Fornication, Polygamy, Incest, Prophanation of the Lord's Day, Swearing & Drunkenness—those vices to be punished; and to pass Laws for restraint & punishment of those vices against which no Laws are yet provided;"—*Forty-first instruction to Belcher*.

"The first thing I would recommend to your Serious Consideration is the Reformation

of manners, by making some other Laws, if it be thought necessary for the better Suppressing Prophaneness and immorality, and when We Consider that Our Worthy Ancestors freely professed true Religion to be their Principal End of their Settlement of this Plantation, I hope it will provoke in Us an Emulation and make us Endeavour to bar up the Flood Gates of Vice and Wickedness."—*Speech of Governor Belcher to the Assembly, December 2, 1731: Council Records, vol. XV., p. 182.*

"I earnestly recommend to you to consider if the Law against Drunkenness, prophane Swearing & Cursing & of the Prophanation of the Lord's Day be sufficient to suppress those Vices, & if not, that further Provision may be made."—*Same to the same, November 2, 1732: Ibid., p. 296.*



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ACTS,  
PASSED 1734-35.

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# ACTS

PASSED AT THE SESSION BEGUN AND HELD AT BOSTON,  
ON THE TWENTY-NINTH DAY OF MAY, A.D. 1734.

## CHAPTER 1.

AN ACT FOR SUPPLYING THE TREASURY WITH THE SUM OF TWENTY-SEVEN THOUSAND THREE HUNDRED AND SEVENTY-ONE POUNDS THIRTEEN SHILLINGS AND FOURPENCE, BILLS OF CREDIT, AND FOR THE ISSUING THE SUM OF TWO THOUSAND ONE HUNDRED AND NINETY-EIGHT POUNDS EIGHTEEN SHILLINGS, A SURPLUS NOW REMAINING IN THE HANDS OF THE TREASURER, FOR DISCHARGING THE PUBLIC DEBTS, &c., AND FOR ESTABLISHING THE WAGES OF SUNDRY PERSONS, &c., IN THE SERVICE OF THE PROVINCE.

*Be it enacted by His Excellency the Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

[SECT. 1.] That the wages of the captain of Castle William shall be at the rate of twelve pounds fourteen shillings per month, from April third, seventeen hundred thirty-four, to May twentieth, seventeen hundred thirty-five; of the lieutenant, for that term, seven pounds fourteen shillings per month; of the chaplain, six pounds three shillings per month; of the gunner, four pounds twelve shillings and fourpence per month; of the serjeant, two pounds thirteen shillings and fourpence per month; of six quarter gunners, each, two pounds thirteen shillings and fourpence per month; of three corporals, two pounds eight shillings per month; of a drummer, two pounds eight shillings per month; of thirty centinels, two pounds per month: for their subsistence, twelve shillings per week for each man.

Establishment  
of wages for  
Castle William.

*And be it further enacted by the authority aforesaid,*

[SECT. 2.] That the wages of the captain of the count[r]y's sloop from April third, one thousand seven hundred and thirty-four, to May twentieth, one thousand seven hundred and thirty-five, shall be at the rate of six pounds per month; of the mate, four pounds per month; three sailors, at three pounds per month; for the sloop, twenty pounds per month.

For the coun-  
try's sloop.

*And be it further enacted by the authority aforesaid,*

[SECT. 3.] That the wages of the captain of Richmond Fort, from May fourteenth, seventeen hundred and thirty-four, to May twentieth, seventeen hundred thirty-five, shall be at the rate of four pounds per month; of one lieuten[an]t, two pounds thirteen shillings and fourpence per month; of one serjeant, two pounds thirteen shillings and fourpence per month; of two corporals, two pounds eight shillings per month; sixteen centinels, two pounds per month; of one armourer, six pounds per month; of one interpreter, six pounds per month; one

For Richmond  
Fort.

truck-master, at one hundred and twenty pounds per annum; and for the chaplain there, one hundred pounds per annum.

*And be it further enacted by the authority aforesaid,*

For the truck-house on George's River.

[SECT. 4.] That the wages of the captain of the truck-house on George's River, from May twentieth, seventeen hundred thirty-four, to May twentieth, seventeen hundred [and] thirty-five, shall be at the rate of four pounds per month; of one l[ie][ei]utenant, two pounds thirteen shillings and fourpence per month; of one serjeant, two pounds thirteen shillings and fourpence per month; of two corporals, each, two pounds eight shillings per month; of sixteen centinels, two pounds per month; of one armourer, six pounds per month; of one interpreter, six pounds per month; to the truck-master, after the rate of one hundred and twenty pounds per annum; and to the chaplain, after the rate of one hundred pounds per annum.

*And be it further enacted by the authority aforesaid,*

For Frederick's Fort.

[SECT. 5.] That the wages of the captain [at] [of] Frederick's Fort, from December twenty-seventh, [one thousand seven] [seventeen] hundred [and] thirty-three, to May twentieth, seventeen hundred [and] thirty-five, shall be at the rate of four pounds per month; of the l[ie][ei]utenant, two pounds thirteen shillings and fourpence; of two corporals, two pounds eight shillings per month; of fifteen centinels, each, two pounds per month.

*And be it further enacted by the authority aforesaid,*

For the truck-house at Saco.

[SECT. 6.] That the wages of the captain [of] [at] the truck-house at Saco, from March twenty-fourth, seventeen hundred thirty-three, to May twentieth, seventeen hundred thirty-five, shall be at the rate of four pounds per month; of the l[ie][ei]utenant, two pounds thirteen shillings and fourpence per month; of the corporal, two pounds eight shillings per month; of thirteen centinels, two pounds per month; of an interpreter, six pounds per month; of one armourer, six pounds per month; of the truck-master, at the rate of one hundred pounds per annum.

*And be it further enacted by the authority aforesaid,*

For the fort at Brunswick.

[SECT. 7.] That the wages of the captain of the fort at Brunswick, from March thirtieth, seventeen hundred thirty-four, to May twentieth, seventeen hundred thirty-five, shall be at the rate of four pounds per month; of the l[ie][ei]utenant, two pounds thirteen shillings and fourpence per month; of one corporal, two pounds eight shillings per month; of thirteen centinels, two pounds per month.

*And be it further enacted by the authority aforesaid,*

For the block-house above Northfield.

[SECT. 8.] That the wages of the captain at the block-house above Northfield, from July eighth, seventeen hundred thirty-four, to May twentieth, seventeen hundred thirty-five, shall be at the rate of four pounds per month; of the l[ie][ei]utenant, two pounds thirteen shillings and fourpence per month; of one serjeant, two pounds thirteen shillings and fourpence per month; of one corporal, two pounds eight shillings per month; of sixteen centinels, each two pounds per month; the truck-master, at the rate of one hundred pounds per annum, and the chaplain at the rate of one hundred pounds per annum: for the subsistence of each, six shillings per week.

*And be it further enacted by the authority aforesaid,*

Oath to be made to muster-rolls.

[SECT. 9.] That before payment of any muster-roll allowed, oath shall be made by the officer or person presenting such roll, that the officers and soldiers born on said roll, have been in actual service for the whole time they stand entred thereon.

*And be it further enacted by the authority aforesaid,*

£27,371 13s. 4d. to be issued, together with

[SECT. 10.] That the treasurer be and hereby is impowered and directed to issue forth and emit the sum of twenty-seven thousand

three hundred and seventy-one pounds thirteen shillings and fourpence, in bills of credit of this province, now lying in his hands and received for taxes, impost, excise, &c., together with the sum of two thousand one hundred ninety-eight pounds eighteen shillings, still remaining in the treasurer's hands, over and above what is appropriated for the payment of the several garrisons, and repairs of Castle William, which sum, with the aforesaid sum of twenty-seven thousand three hundred [and] seventy-one pounds thirteen shillings and fourpence, amount in the whole to twenty-nine thousand five hundred and seventy pounds eleven shillings and fourpence; all which sums shall be employed for the necessary defence and support of this government, and for the protection and preservation of the inhabitants thereof; vizt., nine thousand and seventy pounds eleven shillings and fourpence, part thereof, shall be applied to pay the wages and other sums now due or that may be due by virtue of the establishment of Castle William, the count[re]'s sloop, Richmond Fort, George's truck-house, Frederick's Fort, Saco truck-house, Brunswick Fort, and the block-house above Northfield; and six thousand pounds more, part thereof, shall be applied for the payment of his majesty's council, and to pay such grants as are or shall be made by this court, and for the payment of stipends, bount[ie]'s, and præmiums established by law, and also for such other matters and things which this court have or shall either by law or orders provide for the payment of out of the publick treasury, and for no other purpose whatsoever; and ten thousand pounds, part thereof, shall be applied for the discharge of other debts owing from this province to persons who have served or shall serve them by order of this court in such matters and things where there is no establishment, and also for the purchase of gunpowder ordered by this court, paper, printing and writing for this court, the expences of committees of council, or of the house, or of both houses, entertainments of Indians, and presents made them by this court, the surgeons for Castle William, wooding Castle William, the truck-house at Saco and Frederick's Fort, expresses, charges for the light-house boat, the treasurer's usual disbursements for forts, truck-houses, and the sloop in the count[re]'s service.

£2,108 18s. in the treasurer's hands.

The whole sum £29,070 11s. 4d.

Appropriations:—

£9,070 11s. 4d. for Castle William, the count[re]'s sloop, forts, truck-houses, &c.

£6,000 for the payment of the council, grants of courts, &c.

£10,000 for the debts of the Province, where there is no establishment.

*And whereas*, there are, sometimes, publick entertainments, and, from time to time, contingent and unforeseen charges that demand prompt payment,—

*Be it further enacted*,

[SECT. 11.] That five hundred pounds, part of the aforesaid twenty-nine thousand three hundred and seventy-one pounds eleven shillings and fourpence, be applied to defrey and pay such entertainments and contingent charges, and for no other use whatsoever.

£500 for contingent charges that demand prompt payment.

*And be it further enacted by the authority aforesaid*,

[SECT. 12.] That each of the members of his majesty's council, serving in the general court from the beginning of the session of the general court in May, one thousand seven hundred and thirty-four, unto the end of the session or sessions thereof, until May, one thousand seven hundred and thirty-five, shall be entituled to ten shillings *per diem*, in bills of credit, to be paid out of the publick treasury, upon warrant, according to the directions in the royal charter; certificate to be given, by the secretary or his deputy, of the number of days of such members' attendance, and travel to and from said court: twenty miles to be accounted a day's travel.

*And be it further enacted by the authority aforesaid*,

[SECT. 13.] That the sum of four thousand pounds, part of the aforesaid sum of twenty-nine thousand five hundred and seventy-one pounds eleven shillings and fourpence, be and hereby is appropriated

£4,000 for representatives' attendance.



and applied for the payment of the representatives serving in the general court, for the year current, who shall be entitled to six shillings *per diem*, in bills of credit, to be paid out of the publick treasury upon warrant as aforesaid; certificate to be given, by the clerk of the house of representatives, of the number of days of such members' attendance, and travel to and from said court: twenty miles to be accounted a day's travel.

And for a fund and security for drawing in such sum and sums as shall be paid out to the representatives of the several towns in manner as aforesaid,—

*Be it enacted,*

Fund for the  
representatives'  
money.

[SECT. 14.] That there be and hereby is granted unto his most excellent majesty, a tax of such sum or sums as shall be paid to the several representatives as aforesaid, to be levied and assessed on the polls and estates of the inhabitants of the several towns, according to what their respective representatives shall so receive, which sums shall be set on said towns in the next province tax; and the assessors of the said towns shall make their assessment for this tax and apportion the same according to the rule that shall be prescribed by act of the general assembly for assessing the next province tax; and the constables in their several districts shall pay in the same when they pay in the province tax for the next year; of which the treasurer is hereby directed to keep a distinct and separate account.

*And be it further enacted by the authority aforesaid,*

Surplusage to  
lie in the  
treasury.

[SECT. 15.] That if there be a surplusage in any sum appropriated, such surplusage shall ly[e] in the treasury for the further order of this court.

*And be it further enacted by the authority aforesaid,*

Treasurer's and  
secretary's  
duty.

[SECT. 16.] That each and every warrant for drawing money out of the treasury, shall direct the treasurer to take the same out of such sums as are respectively appropriated for the payment of such publick debts as the draughts are made to discharge; and the treasurer is hereby directed and ordered to pay such money out of such appropriations as directed to, and no other, upon pain of refunding all such sum or sums as he shall otherwise pay; and to keep exact and distinct accounts of all payments made out of such appropriated sum; and that the secretary, to whom it belongs to keep the muster-rolls and accounts of charge, be directed to lay before the house all such muster-rolls and accounts when desired after payment thereof.

Funds.

And as a further fund and security for drawing the remaining part of the said sum of twenty-seven thousand three hundred and seventy-one pounds thirteen shillings and fourpence, into the treasury again,—

*Be it enacted by the authority aforesaid,*

£15,000 in 1735.

[SECT. 17.] That there be and hereby is granted unto his most excellent majesty, for the ends and uses aforesaid, a tax of fifteen thousand pounds, to be levied on polls, and estates both real and personal, within this province, according to such rules, and in such proportions on the several towns and districts within the same, as shall be agreed upon and ordered by this court at their session in May, one thousand seven hundred and thirty-five.

And as a further fund and security for drawing in the remaining part of the said sum of twenty-seven thousand three hundred and seventy-one pounds thirteen shillings and fourpence, into the treasury again,—

*Be it enacted by the authority aforesaid,*

£8,371 13s. 4d.  
in 1736.

[SECT. 18.] That there be and hereby is granted unto his most excellent majesty, for the ends and uses aforesaid, a tax of eight thousand three hundred and seventy-one pounds thirteen shillings and

fourpence, to be levied on polls, and estates both real and personal, within this province, according to such rules, and in such proportion on the several towns and districts within the same, as shall be agreed upon and ordered by the great and general court or assembly at their session in May, one thousand seven hundred and thirty-six. [*Passed July 4; published July 6.*]

## CHAPTER 2.

AN ACT IN ADDITION TO THE SEVERAL ACTS RELATING TO, AND FOR PREVENTING OF, ENCROACHMENTS AND INCUMBRANCES UPON HIGHWAYS, PRIVATE WAYS, STREETS, &c.

WHEREAS the provision made by the law for removing of incumbrances, buildings or fences upon, or across, or that do, or may, obstruct or streighten the highways, private ways, town ways, streets or alleys, has been found, in some cases, insufficient to pay and satisfy the charge of removing the same; and *whereas*, also, it frequently happens, in ancient towns especially, that, after lands have been long fenced in particular lots or proprieties, such fences are generally reputed the bounds between such particular lots, and the highways, private ways, streets, alleys or commons within such town, and no monuments remain of any other boundar[ie][y]s, whereby great advantage is given to persons, so disposed, to encroach on said highways and commons, and the prosecution of such offences is rendered extreemly difficult; for remedy whereof,—

*Be it enacted by His Excellency the Governor, Council and Representatives in General Court assembled, and by the authority of the same,*

[SECT. 1.] That if any person or persons, at any time from and after the publication of this act, shall presume to set up, or cause to be set up or erected, any building, fence or other incumbrance whatsoever, in, upon or over any of the roads, highways, private ways, streets, lanes or alleys, in any town within this province, or continue any such incumbrance, and be duly convicted thereof, the said incumbrances, buildings or fences shall be removed, as in and by law is directed; and in case the materials of such buildings, fences or other incumbrances be insufficient to pay and satisfy the charges of removing the same, and costs of prosecution, the court or justice before whom such prosecution shall be made, shall and are hereby impowered to order the payment thereof, out of other goods or estate of the person or persons so offending, and award execution accordingly.

*And be it further enacted by the authority aforesaid,*

[SECT. 2.] That where fences have been erected fronting against any of the common lands and highways, private ways, streets, lanes or alleys in any town or peculiar within this province, where the breadth of such highways, private ways, streets, lanes or alleys is not known, nor can be made certain by the records thereof, nor any other boundaries, and such fences have been upheld and maintained for more than the space of thirty years, such fence or fences shall then, and from thenceforth, be accepted, reputed and taken as the lines or boundaries between the said commons, highways, private ways, streets, lanes or alleys, and the lands lying in particular propriety adjoining thereto, unless the owner or owners of such lands do make it appear, by authentick records or credible witnesses, that his or their bounds did extend further in the original grant thereof.

Preamble.

1693-4, chap. 6.  
1698, chap. 2.  
1713-14, chap. 8.  
1724-25, chap. 10.

Buildings,  
fences, &c., on  
highways, &c.,  
to be removed.

Charges, how to  
be defrayed.

Boundaries  
stated.  
6 Allen, 23.

No fences to be removed nearer commons, highways, &c., without duly notifying the selectmen or other persons appointed.

Penalty.

*And be it further enacted by the authority aforesaid,*

[SECT. 3.] That if any owner or proprietor of lands inclosed and fenced as aforesaid, shall remove his or their fence or fences further towards any such commons, highways, streets, lanes or aileys, without duly notifying the selectmen of the town wherein such lands do ly, or such other person or persons, respectively, as are or shall be chosen and appointed by such town or the proprietors thereof, to take the care and inspection of the boundaries between the land of particular persons, and the lands in said town appropriated for common[s], highways, &c., that so the lines or boundaries may be perambulated before the fences be so removed; every such person and persons so offending, or that shall be aiding or assisting therein, upon conviction thereof, shall forfeit and pay the sum of forty shillings, to be disposed of, one half to the poor of such town where the offence shall be committed, the other half to him or them [that] shall inform and sue for the same. [Passed July 4; published July 6.]

## CHAPTER 3.

AN ACT IN ADDITION TO AN ACT INTITLED "AN ACT FOR THE EASE OF PRISONERS FOR DEBT."

Preamble.  
1730, chap. 4, § 2.

WHEREAS it is provided, in and by an act made and pass'd in the fourth year of the reign of King George the Second, intitled "An Act for the ease of prisoners for debt," that any person imprisoned for debt, either upon mean process or execution, shall be allowed the liberty of the prison yard, the prisoner, with two sufficient sureties, giving bond to the sheriff for his keeping within the limits thereof, until lawfully discharged; and although it is further provided, that in case of an escape, the penalty of such bond shall be to and for the use of the creditor, and shall be transferred and assigned over to the creditor by the sheriff, yet, forasmuch as the creditor, upon putting such bond in suit, can recover judgment only for the original debt, with cost of suit and interest, by reason of which, escapes are not sufficiently discouraged, and many creditors kept out of their just dues, to their great hurt and damage; for remedy whereof,—

*Ibid.*, § 3.

*Be it enacted by His Excellency the Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

Upon prisoner's escape, the whole bond assigned to the creditor.  
3 Mass., 104.

That henceforward, when and so often as any prisoner, having given bond as aforesaid, shall make an escape, the whole penalty of such bond shall be to and for the use of the creditor, and shall be transferred and assigned over to the creditor by the sheriff, with full power to enable him to put the same in suit; and the creditor shall recover the whole sum therein expressed, and the court shall make up judgment accordingly. [Passed July 4; published July 6.]

## CHAPTER 4.

AN ACT TO PREVENT UNNECESSARY LAWSUITS.

Preamble.  
1730–31, chap. 7.

WHEREAS it frequently happens, in controversies upon book-debts, [t][w]hat when the action comes upon tryal, the defendant pleads and urges payment, and, as an evidence, produces his book; and whereas

the common practice is to give judgment, without admitting any acc[oun]t in favour of the def[endan]t, whereby he is necessitated to bring forward a suit himself, which occasions a further cost, and sometimes exposeth him to the loss of his debt, by reason of the original plaintiff's poverty or absconding; for remedy whereof,—

*Be it enacted by His Excellency the Governor, Council and Representatives in General Court assembled, and by the authority of the same,*

[SECT. 1.] That when and so often as any person is or shall be served with an original process in any action or plea, either of debt, or of the case, for any sum of money due upon contract between the parties, for any goods sold or service done, due by book, whether the acc[oun]t be open, or a ballance thereof be made and signed by the parties (except specialities and express contracts in writing), to appear before any justice of the peace, or inferiour court of common pleas before whom such case is cognizable, he shall be allowed by the court either to plead specially, or, upon the general issue, give, in evidence, what is due upon his book, by way of ballance to the plaintiff's demand, and be admitted to all such method and course of proving his acc[oun]t as any plaintiff upon his suit might; and the court or justice before whom such tryal shall be, are hereby directed and empowered to compare and ballance the books of plaint[iff] and defendant, and to give judgment for so much only as shall appear upon such ballance due to the plaint[iff]; and if nothing appear due to the plaintiff on such ballance, to give judgm[en]t for costs to the def[endan]t.

Defendant allowed to plead or give in evidence his balance upon book.

Balance to be allowed to the plaintiff and defendant.

And to the intent the pla[ntiff] may have sufficient opportunity to examin[e] and make all just objections to the def[endan]t's accompt,—

*Be it further enacted by the authority afores[a]id,*

[SECT. 2.] That no defend[an]t shall be admitted to produce or plead his book upon any suit or tryal, as above, in a cause tryable before a justice of the peace, unless he shall have left a copy of such accompt, four days at least before the day of tryal, with the justice before whom the same is to be tried; and if the cause be before the inferiour court of common pleas, then a copy of his accompt, as above, shall be left with the clerk of the court at least seven days before the day of the court's sitting; and the justice of the peace, and clerk of the court, respectively, are hereby directed and required, at the desire of the plaintiff or his attorney, to grant a copy of the accompt so left, taking, as a fee for the same, at the rate of one shilling for each page of twenty-eight lines: *provided, nevertheless*, for the least copy that may be taken, sixpence.

Copy of the defendant's account to be given in before trial.

[SECT. 3.] This act to continue and be in for[c]e for the space of seven years from the publication thereof, and from thence to the end of the then next session of the general assembly, and no longer. *[Passed July 4; published July 6.]*

Limitation.

## CHAPTER 5.

### AN ACT FOR REGULATING THE PROCEEDINGS ON BONDS OF ADMINISTRATORS ON INTESTATE ESTATES.

WHEREAS, in and by an act or law of this province, made in the fourth year of the reign of King William and Queen Mary, entitled "An Act for the settlem[en]t and distribution of the estates of intestates," the judges for probate of wills and granting of administrations, in the respective counties, are required to take bond of such person or persons

Preamble.  
1692-3, chap. 14,  
§ 1.



to whom they grant the administration of the estate of any intestate, and it sometimes happens that such judges do put those bonds in suit, and distribute the sums recovered thereon, to and among the parties interested, in such manner as in and by the said act is directed; *and whereas* it has happened that, after such distribution as aforesaid, the adminis[trato]r has brought his action of review, and thereupon obtained a reversal of the former judg[e]m[en]t, in which case the respective judges of probate are liable to an execution, and thereby exposed to great charge and inconvenience; for remedy whereof,—

*Be it enacted by His Excellency the Governor, Council and Representatives in General Court assembled, and by the authority of the same,*

Execution to be staid upon judgment recovered by the judge of probate.

That when any of the judges for the probate of wills and granting of administrations shall put in suit any administrator's bond, and recover a judgment for the penalty therein expressed, or any part thereof, at any inferior court of common pleas, or superior court of judicature, execution of such judgment shall be staid until the next session of the court whereat the same was obtained, that so such administ[rato]r may then, if he sees cause, have an opportunity to review his action; and if he shall neglect so doing, execution shall thereupon be awarded, and the judge for probate shall make distribution of the sum recovered to and among the parties interested therein, agreeable to the direction of the law; and every such administ[rato]r is hereby forever precluded and bar'd from bringing any such action afterward. [*Passed July 4; published July 6.*]

## CHAPTER 6.

AN ACT FURTHER TO EXEMPT PERSONS COMMONLY CALLED ANABAPTISTS, WITHIN THIS PROVINCE, FROM BEING TAXED FOR AND TOWARDS THE SUPPORT OF MINISTERS.

Preamble.

1728-29, chap. 4.  
1729-30, chap. 6.

WHEREAS some inhabitants of this province, called Anabaptists, refuse to pay any part or proportion of such rates or taxes as are, from time to time, assessed for the support of the ministry in the several towns whereto they belong, alledging a scruple of conscience for such their refusal,—

*Be it therefore enacted by His Excellency the Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

Anabaptists exempted from taxes for ministers and meeting-houses.

[SECT. 1.] That from and after the publication of this act, none of the persons commonly called Anabaptists, who alledge a scruple of conscience as the reason of their refusal to pay any part or proportion of such taxes as are, from time to time, assessed for the support of the minister or ministers of the churches established, by the laws of this province, in the town or place where they dwell, shall have their poll, or estate, real or personal, in their own hands, and under their actual improvement, taxed towards the support of such minister or ministers, or for the building of any meeting-house or place of public worship.

And to the intent that it may be [the] better known what persons are of that perswasion, and who are exempted by this act,—

*Be it enacted by the authority aforesaid,*

Method for knowing who are Anabaptists.

[SECT. 2.] That the assessors of each town, where any of the said Anabaptists live, or their lands in their own actual improvement ly[e], shall, on or before the twentieth of July next, and from thence annually, sometime before the twentieth day of April, take a list of all such persons, and forthwith transmit the same to the clerk of the town, which



list shall be entered on the record of such town, by the clerk, who is hereby empowered and directed to enter the same accordingly, that so any of the people called Anabaptists, or any members of their society thereto appointed may view such list, and have a copy thereof, if they desire the same, paying only sixpence therefor: and if any person of that denomination, shall be omitted in such list by the assessors taken, and the assessors shall be certified thereof in writing, under the hands of two principal members of that persuasion, appointed thereto by the respective societies some time before the tenth day of September next, and from thence, some time before the tenth day of May then next after, that such persons, not in[s][c]erted in their list, they believe to be conscientiously of their persuasion, and that they do frequently and usually attend their meeting[s] for the worship of God, on the Lord's day, the assessors shall also exempt the said persons so omitted, and their estates in their actual management and improvement, as well as all others in[s][c]erted in the said lists, from all rates and taxes by the said assessors to be made for the support of the minister or ministers in their towns, or for erecting places of public worship.

*And be it further enacted by the authority aforesaid,*

[SECT. 3.] That the assessors in each town or precinct, respectively, be and hereby are enabled and empowered to assess and levy, in proportion to the province tax, the whole ministerial rate, as by contract, or by order of the general sessions of the peace in the respective county[s], according to law; or the sums that shall be granted by the inhabitants of any town or precinct for the erecting or repairing a public place for the worship of God, at a meeting of the said inhabitants qualified to vote in town affairs, regularly convened, on the persons and estates of all others, living and lying within such town or precinct not expressed in the list given in to the town clerk, or added thereto as aforesaid.

Tax taken off from the Anabaptists to be assessed on the other inhabitants.

*And be it further enacted by the authority aforesaid,*

[SECT. 4.] That all persons exempted by this act, as aforesaid, from paying their part of any town, parish or precinct taxes assessed for and towards any settlement or support of the ministers of the churches established by the laws of this province, or towards the building and repairing of any meeting-house for the public worship of God, where they are inhabitants, shall be and hereby are debarred from voting in any such affairs.

Anabaptists exempted from ministerial taxes, not to vote in such affairs.

*Provided,*

[SECT. 5.] That this act shall not be construed or understood to extend to new towns, granted upon condition of settling an orthodox minister and erecting a house for the public worship of God, till such time as those things are accomplished.

Proviso.

[SECT. 6.] This act to continue and be in force for the space of five years from the publication thereof, and from thence to the end of the then next session of the general assembly, and no longer. [Passed July 4; published July 6.

Limitation.

## CHAPTER 7.

AN ACT IN EXPLANATION OF AND IN FURTHER ADDITION TO AN ACT, ENTITLED, AN "ACT FOR REGULATING OF TOWNSHIPS, CHOICE OF TOWN OFFICERS, AND SETTING FORTH THEIR POWER."

WHEREAS, in and by an act made and pass[ed] in the fourth year of King William and Queen Mary, intituled, "An Act for regulating of

Preamble.  
1692-3, chap. 29  
§ 1.

1715-16, chap. 23. township[s], choice of town officers, and setting forth their power," it is provided that the bounds of all townships "shall be run betwixt town and town, and marks renewed once in three years, by two of the selectmen of each town, or any other two persons whom the selectmen shall appoint; the selectmen of the most an[c][t]ient town to give notice to the selectmen of the next adjacent towns, of the time and place of meeting for such perambulation, six days beforehand, on pain of forfeiting five pounds, by the selectmen of any town that shall neglect their duty in any of the particulars aforesaid, two thirds thereof for the use of the poor of such town, and the other third unto the selectmen of any of the next adjacent towns that shall inform and sue for the same, in the inferiour court of common pleas within the same county," whereupon some disputes have arisen as to the disposition of the said forfeiture of five pounds; for prevention whereof, and that the said act may be rendred more effectual,—

*Be it enacted by His Excellency the Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

Forfeiture for  
not perambu-  
lating town  
bounds;

That when the selectmen of any town within this province, whose duty it is by the said act to give notice unto the selectmen of the next adjacent towns of the time and place of meeting for perambulating the bounds betwixt them, shall neglect their duty in that particular, they shall forfeit and pay the sum of fifteen pounds. And if the selectmen of any town within this province shall, upon notice given as aforesaid, refuse or neglect, by themselves or others by their appointment, to meet and perambulate such bounds, altho[ugh] they may be the bounds between county and county, they shall forfeit and pay the sum of fifteen pounds; the said fines or forfeitures to be disposed of, one-third to the selectmen or other person of the town which is not negligent of their duty in this behalf, who shall inform and sue for the same, and the other two-thirds to the use of the poor of the town of which they are selectmen; the said fines or forfeitures respectively to be recovered in any court of common pleas within the county where either of the said towns lie. [*Passed July 4; published July 6.*]

—how to be  
disposed of.

## CHAPTER 8.

AN ACT TO PREVENT NUSANCES BY HEDGES, WEARS AND OTHER INCUMBRANCES OBSTRUCTING THE PASSAGE OF FISH IN MERRIMACK RIVER.

Preamble.  
1709-10, chap. 7.  
1727, chap. 10.

WHEREAS the river Merrimack hath heretofore abounded with plenty of fish, which hath been of great advantage to the inhabitants of the several towns near the said river, and notwithstanding the care which hath been taken in making laws to prevent the setting up of wares and stopping the course of the fish, yet those laws have proved ineffectual to deter persons from setting up wears across the said river for divers years last past, which have been the occasion of destroying abundance of fish, to the great hurt and damage of the inhabitants living on and near the s[ai]d river, and the fish (especially bass and sturgeon, which are very valuable) by having their natural course stopped, and being destroyed by the wears, have in a great measure forsaken the said river,—

*Be it therefore enacted by His Excellency the Governo[r], Council and Representatives in General Court assembled, and by the authority of the same,*

Penalty for  
stopping fish in

[SECT. 1.] That if any person or persons whomsoever, from and after the publication of this act, shall presume to erect, set up, or make,

on or across the said river Merrimack, or that shall be aiding or assisting therein, any wears, hedges, fish-garths, stakes, kiddles or other incumbrance whatsoever, to the stopping, obstructing or streightning the natural and usual course and passage of the fish up and down the same river, that shall exceed, extend, be made or carried into the said river, more than one-third part of the breadth of the river at such place, from either side thereof, or that shall use and improve any such wears, hedges, fish-garths, stakes, kiddles or other incumbrance as aforesaid, for the taking of fish so obstructed, shall for the first offence forfeit and pay the sum of fifty pounds, and for every other offence, the sum of one hundred pounds, upon due conviction thereof, before any court of record within the same county; the one half of such forfeiture to be to and for the use of the poor of the town where the offence shall be committed, and the other half to him or them that shall sue for the same by action, bill, plaint or information.

Merrimack  
River.

[SECT. 2.] And every obstruction or incumbrance made and set up contrary to the true intent of this act, shall be deemed a common nuisance, and it shall and may be lawful for any person or persons to take down, remove and demolish the same; and the grand jurors of the respective count[ie][y]s adjoining to the said river, shall be, and hereby are enjoined and required to enquire after the violat[io]n[s] of this act, and make presentment of all the breaches thereof, to the courts of the general sessions of the peace, for and within the respective countys.

All persons im-  
powered to  
remove unlaw-  
ful obstructions  
of the fish; and  
the grand jury  
to present  
them.

[SECT. 3.] This act to continue in full force for the term of three years from and next after the publication thereof, and no longer.  
[Passed July 4; published July 6.]

Limitation.

## CHAPTER 9.

AN ACT FOR ERECTING A NEW TOWN WITHIN THE COUNTY OF  
PL[O]MOUTH, BY THE NAME OF HALLIFAX.

WHEREAS the lands situate on the northerly part of the north precinct in Plimpton, the northerly part of the east precinct in Middleborough, and the southerly part of the town of Pembroke, is competently filled with inhabitants, who are desirous to be set off a distinct and separate town, and that they may be vested with all the powers and privileges of a town,—

Preamble.

*Be it therefore enacted by His Excellency the Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

[SECT. 1.] That all the lands lying on the northerly part of the north precinct in Plimpton, the northerly part of the east precinct in Middleborough, and the southerly part of the town of Pembroke, as hereafter bounded and described, be and hereby is set off and constituted a separate township by the name of Hallifax.

A new town  
granted by the  
name of Hallifax.

[SECT. 2.] The bounds of the said township to be as followeth; viz., beginning at a white-oak tree marked on four sides, standing on the bank of Bridgewater River, being the northwest corner bounds of a lot of land formerly belonging to Mr. Standish; thence the bounds in Middleborough, extending north, seventy-nine degrees east, seventy-four rods, to a red oak, marked on four sides, which is the north-east corner of said Standish's land; thence south, sixteen degrees east, about one hundred and ten rods, to a maple standing near Standish's house; thence north, twenty-two degrees east, two hundred and fifty rods, to a white oak marked on four sides; thence north, ten degrees east, one

Bounds of the  
town described.

hundred and sixty-one rods, to a white oak, formerly marked, on the southerly side of Bridgwater road; thence north, twelve degr[ees] east, one hundred and one rod, to a stake standing in Bridgwater line, on the south side of Seatucket Brook, so called, it being a corner bounds between the town of P[li]mpton and Pembroke; thence the bounds in Pembroke, extending north, twenty degrees east, by a range of marked trees in Bridg[e]water line, seven hundred and ninety-one rods, to a small ash tree, formerly marked "69, 70," standing in a narrow swamp, being the north-west corner bound of the sixty-ninth lot[t] in the Major's purchase; thence south, sixty-seven degrees and an half east, one hundred sixty-nine pole, to a white oak tree, marked "69, 70," standing in the cedar swamp range; thence south, about twenty-three degrees east, thro[ugh] the cedar swamp, about five hundred and twelve rods, to the mouth of Munponset Pond; from thence east, half a degree northerly, about six hundred seventy-one rods, to a white oak tree marked on four sides, standing by a corner of Jones's-River Pond, a little to the northward of a run of water; thence bounded by said pond until[l] it meets with a line extending from a large split rock in Turkey Swamp, a little to the southward of the bridge, north, thirty degrees east, unto the said pond; thence extending in Plimpton, south, thirty degrees west, about four hundred and fifty rods, unto the aforesaid rock in Turkey Swamp; from thence south, sixty-three degrees and an half west, three hundred ninety-four rod, to Adam's Rocks, so called, standing on the west side of a highway that leads from Mr. John Waterman's to Plimpton meeting-house; thence south, fifty-six degrees west, five hundred and ten rods, to Middleborough town line, forty rods south-eastward from Mr. Ebenezer Fuller's house; thence in said town line, south, thirty-three degrees and a quarter east, fifty rod[s]; from thence through Middleborough, extending south, fifty degrees west, two hundred rod; from thence north, fifty degrees and a half west, fifty rod, to a small swamp-birch standing on the west side of Raven Brook; and thence still north, fifty degrees and an half west, three hundred eighty-three rods, to [the] [a] brook at the upper corner of Ebenezer Cobb's land, and still on the same point or range, about two hundred and ninety rods, to Bridgwater River, below the mouth of Winnatuscet River; and from thence by said Bridgwater River, to the bounds first mentioned.

[SECT. 3.] And that the inhabitants of the said land before bounded and described, be and hereby are vested with the powers, priviledges and immunities that the inhabitants of any of the towns within this province are or ought by law to be vested with.

*Provided,*

Proviso.  
17 Pick. 344.

[SECT. 4.] The inhabitants of the said town of Hallifax, do within the space of two years from the publication of this act, settle a learned, orthodox minister, and provide for his honourable support among them; and likewise provide a schoolmaster to instruct their youth in reading and writing: *only* it is to be understood that the land of Doctor Polycarpus Loring, adjof[i] [y]ning to his dwelling-house, and the lands, lying on the south-easterly side of the line, that the north precinct voted to the petitioners the 3d [of] June, 1734, belonging to Mess[rs]. Ebenezer Standish, Zechariah Standish, Zechariah Soul, Jabez Newland, Ignatius Loring, Samuel Bryant, Joseph P[h]enn[e]y, Nathaniel Bryant, John Battles, and their families, dwelling within the bounds of the said township, shall still be and remain to the aforesaid town of Plympton.

*Provided,*

Proviso.

[SECT. 5.] Nothing in this act shall be construed or understood to excuse any of the inhabitants of the towns of Plimpton, Middle-



borough and Pembroke, petitioners respectively, from paying their proportionable parts to all former taxes, and also the province tax that shall be laid on the said towns for the current year. [*Passed July 4; published July 6.*]

## CHAPTER 10.

AN ACT FOR DIVIDING THE TOWN OF ENFIELD, AND ERECTING A NEW TOWN THERE BY THE NAME OF SOMERS.

**Preamble.**  
WHEREAS the easterly precinct of the town of Enfield, within the county of Hampshire, is competently filled with inhabitants, who labour under difficulties in many town affairs by reason of their remoteness from the first or most elderly precinct in said town of Enfield, and have thereupon made their application to the said town of Enfield, and having obtained their consent, and likewise addressed this court, that they may be set off a distinct and separte township, and be vested with all the powers and privile[d]ges that other towns in this province are vested with,—

*Be it therefore enacted by His Excellency the Governo[u]r, Council and Representatives in General Court assembled, and by the authority of the same,*

[SECT. 1.] That the said easterly precinct of Enfield, by the boundary and line hereafter described; vizt., from the mouth of the brook called Coronation Brook, and so to run north and south through the said township of Enfield, and to extend to the east end of the said township of Enfield, be and hereby are set off a distinct and sep[a][e]-rate township by the name of Somers. **A new town by the name of Somers. Bounds thereof described.**

[SECT. 2.] And that the inhabitants thereof be and hereby are vested with all the powers, priviledges and immunities, that other towns in this province are or ought by law to be vested with.

*Provided,—*

*And be it further enacted,*

[SECT. 3.] That nothing in this act contained, shall be construed **Proviso.** or intended to hinder, alter or prejudice the right and interest of all or any person whatsoever in any of the common or undivided lands in the said township of Enfield, but the same shall remain as heretofore.

*Provided also,—*

*And be it further enacted,*

[SECT. 4.] That the inhabitants of the said town of Somers, shall **Proviso.** be liable and subject, notwithstanding their being set off and constituted a township as aforesaid, to pay their proportion of all province, county and town rates for this year in the said town of Enfield; and shall be accordingly assessed thereto in the same manner as they would have been, if this act had never been made; anything hereinbefore contained to the contrary notwithstanding. [*Passed July 4; published July 6.*]



## CHAPTER 11.

AN ACT FOR ERECTING CERTAIN LANDS AT A PLACE CALLED NATICOOK WITH OTHER LANDS ADJO[I][Y]NING, LYING ON EACH SIDE THE RIVER MERRIMACK, INTO A TOWNSHIP BY THE NAME OF LITCHFIELD.

## Preamble.

WHEREAS the proprietors and settlers of certain lands at a place called Naticook, and other lands adjo[i][y]ning, on each side of Merrimack River, partly in Dunstable and partly in Nottingham, have addressed this court, setting forth that the said lands [lye] very suitable and commodious for making a regular and compact township, which may probably be the means of hastening the settlement of said lands, and thereby a benefit and strength will arise to that part of the frontiers, several families being already settled on said lands who have supported a minister among them for more than a year past, their situation being near nine miles from any other meeting-house; and forasmuch as the towns of Dunstable and Nottingham have, by their agents, declared to this court, in writing, they have no reason against erecting the lands abovesaid into a township, but together with the said proprietors and set[t]lers have come into an agreement setting forth the lines and boundaries of the township prayed for,—

*Be it therefore enacted by His Excellency the Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

A new town granted, by the name of Litchfield.

[SECT. 1.] That the lands at Naticook, so called, with the other lands adjo[i][y]ning thereto, lying partly in Dunstable and partly in Nottingham, and lying on each side the river Merrimack, as the same are hereafter bounded and described (which is according to the agreement of the towns of Dunstable and Nottingham, by their agents, with the proprietors and set[t]lers of the Naticook lands), be and hereby are set off, constituted and erected into a sep[a][e]rate and distinct township by the name of Litchfield.

Bounds of the town described.

[SECT. 2.] The bounds of the said township being as follow; vizt., beginning at Merrimack River, half a mile south from where Naticook south line crosseth said river; running from thence west two miles and an half; then turning and running northerly, the general course of Merrimack River, to Sowbeeg River, making it a strait line; then running by Sowbeeg River to Merrimack River again, two miles and an half; also that the bounds dividing between Naticook and Nottingham begin at the lower line or south bounds of Nathaniel Hill's lands on Merrimack River, so extending east, by his south line, to the south-east corner, so on, east, to Nottingham east line; from thence in Nottingham east line, north, two degrees east, about half a mile, to a pine tree with stones about it, standing within sight of Beaver Brook, marked with the letter F; from thence north-north-west, by a line of marked trees, letter'd with F, about six miles, to Merrimack River, near Naticook Corner; southerly by the River Merrimack, to the mouth of the Sowbeeg River, beforementioned.

[SECT. 3.] And that the inhabitants thereof be and hereby are vested and endowed with equal powers, privile[d]ges and immunities that the inhabitants of any of the other towns within this province are, or by law, ought to be, vested with.

*Provided,*

Proviso.

[SECT. 4.] That the proprietors of the said Naticook lands, and the set[t]lers and inhabitants of the said town of Litchfield, shall be and hereby are strictly enjoyned and required at their own cost and charge, according to their proportion of their several rights and inter-

ests in the said town of Litchfield, to erect and finish a su<sup>[i]</sup>table meeting-house for the publick worship of God there, within the space of three years next coming; and shall also within the time aforesaid, procure and settle a learned, orthodox minister, of good conversation, and make effectual provision for his comfortable and honourable support. [*Passed July 4; published July 6.*]

## CHAPTER 12.

### AN ACT FOR GRANTING UNTO HIS MAJESTY SEVERAL RATES AND DUTYS OF IMPOST AND TUNNAGE OF SHIPPING.

WE, his majesty's most loyal and dutiful subjects, the representatives of his majesty's province of the Massachusetts Bay in New England, considering the necessity of calling in the sum of twenty-eight thousand five hundred and twenty-five pounds granted to his late majesty King George, at the several sessions in the years one thousand seven hundred and twenty-two, one thousand seven hundred and twenty-six; to his present majesty, one thousand seven hundred and thirty-three, and one thousand seven hundred and thirty-four, to be levied and collected in this present year, have cheerfully and unanimously given and granted, and do hereby give and grant, unto his most excellent majesty, to the ends, uses and intents aforesaid, and for no other use, the several dutys of impost upon wines, liquors, goods, wares and merchandize that shall be imported into this province, and tunnage of shipping hereafter mentioned, for calling in the sum of twenty-eight thousand five hundred and twenty-five pounds; and pray that it may be enacted.—

*And be it accordingly enacted by His Excellency the Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

[SECT. 1.] That from and after the twenty-ninth day of June, instant, there shall be paid by the importer of all wines, liquors, goods, wares and merchandizes, that shall be imported into this province from the place of their growth (salt, cotton-wooll, provisions, and every other thing of the growth and produce of New England excepted), the several rates or dutys of impost following: vizt.,—

For every pipe of wine of the Western Islands, thirty shillings.

For every pipe of Canary, forty-five shillings.

For every pipe of Madera, thirty-five shillings.

For every pipe of other sorts not mentioned, thirty-five shillings.

For every hogshead of rum containing one hundred gallons, thirty shillings.

For every hogshead of sugar, two shillings.

For every hogshead of molasses, one shilling.

For every hogshead of tobacco, thirty-five shillings.

For every tun of logwood, three shillings.

And so, proportionably, for greater or lesser quantities.

And all other commodities, goods or merchandize, not mentioned or excepted, threepence for every twenty shillings' value: all goods imported from Great Britain excepted.

*And whereas* many strangers and foreigners have of late years reaped great gain and profit by bringing into this province considerable quantities of foreign molasses and rum, on their own accompts, whereby much of the trade that was formerly carried on with considerable profit by the inhabitants of this province, altho with the paying

very high charges for permission, &c., in their islands, is in a great measure, if not wholly, prevented; wherefore, in order to the subjecting such foreigners' goods to a higher duty,—

*Be it enacted by the authority aforesaid,*

[SECT. 2.] That all such molasses and rum that belong to foreigners shall pay the following duties; vizt.,—

For every hogshead of molasses, five shillings.

For every hogshead of rum, six pounds.

And for the preventing the colouring of such foreigners' goods under the names of any merchants or others inhabiting this province,—

*Be it enacted by the authority aforesaid,*

[SECT. 3.] That when any quantities of such goods are imported into this province that may reasonably be supposed to come from any of the said foreign plantations, and are said to be consigned to some of the inhabitants of this province, or British subjects, such person to whom the same is consigned shall make oath before the commissioner of impost, in the following words; vizt.,—

You, A. B., do swear that the goods imported in the ship or vessel ( ), and consigned you, did actually and truly come upon the sole proper account and risque, and are *bona fida*\* the goods and estate of yourself or some other of his majesty's British subjects, and that no foreigner, directly or indirectly, is in any ways interested or concerned in the same, or are ever to have any share or part in the same, that you know of; nor is this consignment made to you under any colour or pretext, to prevent the paying the duties of the same.

[SECT. 4.] And for any of the above wines, liquors, goods, wares, merchandize, &c., that shall be imported into this province, &c., from any other port than the places of their growth and produce, there shall be paid by the importer double the value of impost appointed by this act to be received for every species abovementioned, unless they do *bona fida*\* belong to the inhabitants of this province, and came upon their risque from the port of their growth and produce.

*And be it further enacted by the authority aforesaid,*

[SECT. 5.] That all the aforesaid impost-rates and duties shall be paid in current money, or in bills of credit of this province, by the importer of any wines, liquors, goods or merchandize, unto the commissioner to be appointed, as is hereinafter to be directed, for entring and receiving the same, at or before the landing of any wines, liquors, goods or merchandizes: *only* the commissioner or receiver is hereby allowed to give credit to such person or persons where his or their duty of impost in one ship or vessel doth exceed the sum of ten pounds; and in case where the commissioner or receiver shall give credit, he shall settle and ballance his accompts with every person, so that the same accounts may be ready to be presented to this court in May next. And all entries where the impost or duty to be paid doth not exceed four shillings, shall be made without charge to the importer, and not more than sixpence to be paid for any other single entry to what value soever.

*And be it further enacted by the authority aforesaid,*

[SECT. 6.] That all masters of ships or other vessels coming into any harbour or port within this province from beyond sea, or from any other province or colony, before bulk be broken and within twenty-four hours after his arrival at such harbour or port, shall make a report to the commissioner or receiver of the impost, to be appointed as is hereinafter mentioned, of the contents of the lading of such ship or vessel, without any charge or fee to be demanded or paid for the same; which report said master shall give in to the commissioner or receiver,

under his hand, and shall therein set down and express the quantities and species of the wines, liquors, goods and merchandizes laden on such ship or vessel, with the marks and number thereof, and to whom the same is consigned; and also make oath that the said report or manifest of the contents of his lading, so to be by him given in, under his hand, as aforesaid, contains a just and true account, to the best of his knowledge, of the whole lading taken on board and imported in the said vessel from the port or ports such vessel came from, and that he hath not broken bulk nor delivered any of the wines, rum or other distilled liquors or merchandizes laden on said ship or vessel, directly or indirectly, and if he shall know of any more wines, liquors, goods or merchandize to be imported therein, before the landing thereof he will cause it to be added to his manifest; which manifest shall be agreeable to a printed form made for that purpose, which is to be filled up by the said commissioner or receiver, according to each particular person's entry; which oath the commissioner or receiver is hereby empowered to administer: after which such master may unload, and not before, on pain of one hundred pounds, to be forfeited and paid by each master that shall neglect his duty on this behalf.

*And be it further enacted by the authority aforesaid,*

[SECT. 7.] That all merchants, factors and other persons, importers, being owners of, or having any of the wines, liquors, goods or merchandizes consigned to them, that by this act are liable to pay impost or duty, shall, by themselves or order, make entry thereof in writing, under their hands, with the said commissioner or receiver, and produce unto him the original invoice of all such goods as pay *ad valorem*, and make oath thereto in manner following:—

You, A. B., do swear that the entry of the goods and merchandize, by you now made, contains the true value, agreeable to the original invoice herewith exhibited; and that, according to your best skill and judgment, it is not less than the real cost thereof. So help you God.

—which above oath the commissioner or receiver is hereby empowered to administer; and they shall pay the duty and impost by this act required, before such wines, liquors, goods, wares or merchandizes be landed or taken out of the vessel in which the same shall be imported, on pain of forfeiting all such wines, liquors, goods, wares or merchandizes so landed or taken out of the vessel in which the same shall be imported.

[SECT. 8.] And no wines, liquors, goods, wares or merchandizes that by this act are liable to pay impost or duty, shall be landed on any wharf, or into any warehouse or other place, but in the daytime only, and that after sunrise and before sunset, unless in the presence and with the consent of the commissioner or receiver, on pain of forfeiting all such wines, liquors, goods, wares and merchandizes, and the lighter, boat and vessel out of which the same shall be landed or put into any warehouse or other place.

[SECT. 9.] And if any person or persons shall not have and produce an invoice of the quantities of rum or liquors to him or them consigned, then the cask wherein the same is shall be gaged at the charge of the importer, that the quantities thereof may be known.

*And be it further enacted by the authority aforesaid,*

[SECT. 10.] That every merchant or other person, importing any wines into this province, shall be allowed twelve per cent for leakage: *provided*, such wines have not been filled up on board: and that every hoghead, butt or pipe of wine that hath two third parts thereof leaked out, shall be accounted for outs, and the merchant or importer to pay no duty or impost for the same. And no master of any ship or vessel



shall suffer any wines to be filled up on board without giving a certificate of the quantity so filled up, under his hand, before the landing thereof, to the commissioner or receiver of impost for such port, on pain of forfeiting the sum of fifty pounds.

[SECT. 11.] And if it be made to appear that any wines imported in any ship or vessel be decay'd at the time of unlading thereof, or in twenty days afterward, oath being made before the commissioner or receiver that the same hath not been landed above that time, the duties and impost paid for such wines shall be repayed unto the importer thereof.

*And be it further enacted by the authority aforesaid,*

[SECT. 12.] That the master of any ship or vessel importing any wines, liquors, goods, wares or merchandize, shall be lyable to and shall pay the impost for such and so much thereof contained in his manifest as shall not be duly enter'd, nor the duty paid for the same, by the person or persons to whom such wines, liquors, goods, wares or merchandize are or shall be consigned. And it shall and may be lawful to and for the master of every ship or other vessel, to secure and detain in his hands, at the owner's risque, all such wines, liquors, goods, wares or merchandize imported in any ship or vessel, until he shall receive a certificate from the commissioner or receiver of the impost that the duty for the same is paid, and until he be repaid his necessary charges in securing the same; or such master may deliver such wines, liquors, goods, wares or merchandizes as are not enter'd, unto the commissioner or receiver of the impost in such port, or his order, who is hereby empower'd and directed to receive and keep the same, at the owner's risque, until the impost thereof, with the charges, be paid; and then to deliver such wines, liquors, goods, wares or merchandize as such master shall direct.

*And be it further enacted by the authority aforesaid,*

[SECT. 13.] That the commissioner or receiver of the impost, in each port, shall be, and hereby is, empower'd to sue the master of any ship or vessel for the impost or duty for so much of the lading of any wines, liquors, goods, wares and merchandizes imported therein, according to the manifest to be by him given upon oath, as aforesaid, as shall remain not entered and the duty of impost thereof not paid; and where any goods, wares or merchandizes are such as that the value thereof is not known, whereby the impost to be recovered of the master for the same cannot be ascertained, the owner, or person to whom such goods, wares or merchandizes are or shall be consigned, shall be summoned to appear as an evidence at the court where suit for the impost and duty thereof shall be brought, and be there required to make oath to the value of such goods, wares or merchandizes.

*And be it further enacted by the authority aforesaid,*

[SECT. 14.] That the ship or vessel, with her tackle, apparel and furniture, the master of which shall make default in anything by this act required to be performed by him, shall be lyable to answer and make good the sum or sums forfeited by such master, according to this act, for any such default; as also to make good the impost or duty for any wines, liquors, goods, wares and merchandizes not entered as aforesaid, and, upon judgment recovered against such master, the said ship or vessel, with so much of the tackle or appurtenances thereof as shall be sufficient to satisfy said judgment, may be taken in execution for the same. And the commissioner or receiver of the impost is hereby empower'd to make seizure of such ship or vessel, and detain the same under seizure until judgment be given in any suit to be commenced and prosecuted for any of the said forfeitures or impost, to the intent that if judgment be rendered for the prosecutor or informer, such ship or vessel



and appurtenances may be exposed to sale for satisfaction thereof, as is before provided: *unless* the owners, or some on their behalf, for the releasing such ship or vessel from under seizure or restraint, shall give sufficient security unto the commissioner or receiver of impost that seized the same, to respond and satisfy the sum or value of the forfeiture and dutys, with charges, that shall be recovered against the master thereof, upon suit to be brought for the same, as aforesaid; and the master occasioning such loss and damage unto his owners, through his default or neglect, shall be lyable unto their action for the same.

*And be it further enacted,*

[SECT. 15.] That the naval officer within any of the ports of this province shall not clear or give passes to any master of any ship or other vessel outward bound, until he shall be certified by the commissioner or receiver of the impost, that the dutys and impost for the goods last imported in such ship or vessel are paid or secured to be paid.

[SECT. 16.] And the commissioner or receiver of the impost is hereby empowered to allow bills of store to the master of any ship or vessel importing any wines or liquors, for such private adventures as shall belong to the master or seamen of such ship or other vessel, at the discretion of the commissioner or receiver, not exceeding three per cent of the lading; and the dutys payable by this act for such wines or liquors in such bills of store mentioned and expressed, shall be abated.

*And be it further enacted by the authority aforesaid,*

[SECT. 17.] That all penalties, fines and forfeitures accruing and arising by virtue of this act, shall be one half to his majesty, for the uses and intents for which the aforementioned dutys of impost are granted, and the other half to him or them that shall seize, inform and sue for the same, by action, bill, plaint or information in any of his majesty's courts of record, wherein no essoign, protection or wager of law shall be allowed; the whole charge of the prosecution to be taken out of the half belonging to the informer.

*And be it further enacted by the authority aforesaid,*

[SECT. 18.] That there shall be paid by the master of every ship or other vessel coming into any port or ports in this province to trade or traffick, whereof all the owners are not belonging to this province, except such vessels as belong to Great Britain, the provinces or colonies of Pensilvania, West and East Jersey, New York, Connecticut, New Hampshire and Rhode Island, every voyage such ship or vessel does make, the sum of five shillings per ton, or one pound of good, new pistol-powder for every ton such ship or vessel is in burthen: *saving* for that part which is owned in Great Britain, this province, or any of the aforesaid governments (which are hereby exempted) to be paid unto the commissioner or receiver of the duties of impost, and to be employed for the ends and uses aforesaid.

[SECT. 19.] And the said commissioner is hereby empowered to appoint a meet and suitable person to repair unto and on board any ship or vessel to take the exact measure or tunnage thereof, in case he shall suspect that the register of such ship or vessel doth not express and set forth the full burthen of the same; the charge thereof to be paid by the master or owner of such ship or vessel before she be cleared, in case she shall appear to be of greater burthen. otherwise, to be paid by the commissioner out of the money receiv'd by him for impost, and shall be allowed him accordingly, by the treasurer, in his accompts. And the naval officer shall not clear any vessel until he be also certified by the said commissioner that the duty of tunnage for the same is paid, or that it is such a vessel for which none is payable according to this act.

*And be it further enacted by the authority aforesaid,*

[SECT. 20.] That there be one fit person, and no more, nominated and appointed by this court as a commissioner and receiver of the aforesaid duties of impost and tunnage of shipping, and for the inspection, care and management of the said office, and whatsoever relates thereunto, to receive commission for the same from the governour or commander-in-chief for the time being, with authority to substitute and appoint a deputy receiver in each port besides that wherein he resides, and to grant warrants to such deputy receivers for the said place, and to collect and receive the impost and tunnage of shipping aforesaid, that shall become due within such port, and to render the accompts thereof and pay in the same to the said commissioner and receiver; which said commissioner and receiver shall keep fair books of all entrys and duties arising by virtue of this act, also a particular accompt of every vessel, so that the duties of impost and tunnage arising on the said vessel may appear; and the same to lye open, at all seasonable times, to the view and perusal of the treasurer and receiver-general of this province (or any other person or persons whom this court shall appoint), with whom he shall accompt for all collections and payments, and pay all such monies as shall be in his hands, as the treasurer or receiver-general shall demand it. And the said commissioner or receiver, and his deputy and deputies, before their entering upon the execution of their office, shall be sworn to deal truly and faithfully therein, and shall attend in the said office from nine to twelve of the clock in the forenoon, and from two to five of the clock in the afternoon.

[SECT. 21.] And the said commissioner and receiver, for his labour, care and expences in the said office, shall have and receive, out of the province treasury, the sum of seventy pounds per annum; and his deputy or deputies to be paid for their service such sum or sums as the said commissioner and receiver, with the treasurer, shall agree upon reasonable terms, not exceeding thirty pounds each; and the treasurer is hereby ordered, in passing and receiving the said commissioner's accompts, accordingly, to allow the payment of such salary or salaries, as aforesaid, to himself and his deputy or deputies.

*Provided,*

[SECT. 22.] That this act shall be and continue in force from the twenty-ninth day of this instant June, until the twenty-ninth day of June, which will be in year of our Lord one thousand seven hundred and thirty-five, and to the end of the next session of the general court, and no longer. [*Passed July 4; published July 6.*]

## CHAPTER 13.

AN ACT FOR APPORTIONING AND ASSESSING A TAX OF SIXTEEN THOUSAND AND FIFTEEN POUNDS AND TWELVE SHILLINGS; AND ALSO FOR APPORTIONING AND ASSESSING A FURTHER TAX OF SIX THOUSAND THREE HUNDRED AND FORTY-TWO POUNDS AND EIGHT SHILLINGS, PAID THE REPRESENTATIVES FOR THEIR SERVICE AND ATTENDANCE IN GENERAL COURT, AND TRAVEL, IN THE YEARS 1732 AND 1733; AND ALSO FOR APPORTIONING AND ASSESSING A FURTHER TAX OF THREE HUNDRED AND TWENTY-SEVEN POUNDS SIXTEEN SHILLINGS AND FOURPENCE, AS A FINE LAID ON THE SEVERAL TOWNS PARTICULARLY IN THIS ACT MENTIONED, FOR NOT SENDING A REPRESENTATIVE.

WHEREAS the great and general court or assembly of the province of the Massachusetts Bay in New England, at their sessions in the

years one thousand seven hundred and twenty-two and one thousand seven hundred and twenty-six, did pass three several grants of taxes on polls and estates, as funds and security for the payment and drawing in several sums in the bills of credit on this province ordered to be imprinted, repeated and issued out of the public treasury for the service of the government; that is to say, at their session held in the month of May, one thousand seven hundred and twenty-two, the sum of six thousand pounds;\* at their session in May, one thousand seven hundred and twenty-six, five thousand pounds;† at their session in November, one thousand seven hundred and twenty-six, five thousand pounds;‡ and at their session in February, one thousand seven hundred and thirty, six thousand pounds; and at their session held by adjournment in October, one thousand seven hundred and thirty-three, three thousand five hundred and twenty-five pounds; and at their session begun the twenty-ninth day of May, one thousand seven hundred and thirty-four, the sum of three thousand pounds; and the further sum of six thousand three hundred and forty-two pounds and eight shillings, paid the representatives, applied to the ends and uses in the said grants particularly enumerated and expressed; and by the resolves of the courts that made the aforesaid grants, it was then ordered that the said sum of thirty-four thousand eight hundred sixty-seven pounds and eight shillings, inclusive of the sum paid the representatives, shall be apportioned and assessed and levied on polls, and estates both real and personal, within this province, according to such rules, and in such proportion upon the several towns and districts within the same, as shall be agreed on and ordered by this court in their present session; *wherefore*, for the ordering, directing and perfecting the said sum of sixteen thousand and fifteen pounds and twelve shillings, which with the sum of twelve thousand five hundred and nine pounds eight shillings, by the duties of impost, tunnage of shipping and excise, together with the income of the bills let out and the light-house, will make the sum of twenty-eight thousand five hundred and twenty-five pounds, pursuant to the funds and grants aforesaid, which is unanimously approved, ratified and confirmed, we, his majesty's most loyal and dutiful subjects, the representatives in general court assembled, pray that it may be enacted.—

*And be it accordingly enacted by His Excellency the Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

[SECT. 1.] That each town and district within this province be assessed and pay as such town's and district's proportion of the aforesaid sum of sixteen thousand and fifteen pounds and sixteen shillings, the several sums following; that is to say,—

\* NOTES to 1722-23, resolve (a.) † NOTES to 1726-27, resolve (a.) ‡ *Ibid.*, resolve (b.)

1730-31, chap. 17.

1733-34, chap. 7, § 17.

1734-35, chap. 18.

1734-35, chap. 1, § 14.

## IN THE COUNTY OF SUFFOLK.

	PAID THE REPRESENTATIVES.	£250 16s. 0d.	PROVINCE TAX.	£2,960 0s. 0d.	SUM TOTAL. £3,210 16s. 0d.
Boston.	Two hundred and fifty pounds sixteen shillings,	53 14 0	Twenty-nine hundred and sixty pounds.	144 5 4	137 19 4
Roxbury.	Fifty-three pounds fourteen shillings,	61 4 0	One hundred forty-nine pounds five shillings and fourpence,	139 10 8	200 14 8
Dorchester.	Sixty-one pounds four shillings,	75 6 0	One hundred thirty-nine pounds ten shillings and eightpence,	165 14 8	241 0 8
Yingham.	Seventy-five pounds six shillings,	76 16 0	One hundred sixty-five pounds fourteen shillings and eightpence,	147 4 0	224 0 0
Brantrey.	Seventy-six pounds sixteen shillings,	77 2 0	One hundred and ten pounds thirteen shillings and fourpence,	110 13 4	187 15 4
Dedham.	Seventy-seven pounds two shillings,	75 12 0	Seventy-seven pounds one shilling and fourpence,	77 1 4	152 13 4
Medfield.	Seventy-five pounds twelve shillings,	77 2 0	Forty-eight pounds fourteen shillings and 8 <sup>1</sup> / <sub>2</sub> ; fine £18 17 9,	67 12 5	67 12 5
Weymouth.	Seventy-seven pounds two shillings,	50 2 0	One hundred and three pounds four shillings,	103 4 0	180 6 0
Milton.	Fifty pounds two shillings,	0 0 0	Eighty-one pounds two shillings and eightpence,	81 2 8	131 4 8
Hull.	Seventy-five pounds twelve shillings,	75 12 0	Thirty-five pounds two shillings and eightpence,	35 2 8	35 2 8
Wrentham.	Seventy-five pounds twelve shillings,	0 0 0	Ninety-three pounds thirteen shillings and fourpence,	93 13 4	169 5 4
Brookline.	Seventy-five pounds twelve shillings,	0 0 0	Fifty-three pounds seventeen shillings and 4 <sup>1</sup> / <sub>2</sub> ; fine twenty pounds seventeen and 6 <sup>1</sup> / <sub>2</sub> ,	74 14 10	74 14 10
Needham.	Seventy-five pounds twelve shillings,	0 0 0	Fifty-eight pounds;	80 10 0	80 10 0
Bellingham.	Seventy-five pounds twelve shillings,	0 0 0	Twenty-nine pounds eighteen shillings and eightpence,	29 18 8	29 18 8
Wahole.	Seventy-five pounds twelve shillings,	0 0 0	Twenty-four pounds ten shillings and eightpence,	24 10 8	24 10 8
Stoughton.	Seventy-eight pounds twelve shillings,	78 12 0	Eighty-two pounds five shillings and fourpence,	82 5 4	160 17 4
				[£5369 1s. 11d.]	£5,369 1s. 11d.

## IN THE COUNTY OF ESSEX.

		£138 18s. 0d.		£417 9s. 4d.	SUM TOTAL. £556 7s. 4d.
Salem.	One hundred thirty-eight pounds eighteen shillings,	152 2 0	Four hundred seventeen pounds nine shillings and fourpence,	416 1 4	568 3 4
Ipswich.	One hundred fifty-two pounds two shillings,	64 4 0	Four hundred sixteen pounds one shilling and fourpence,	354 5 8	418 10 8
Newbury.	Sixty-four pounds four shillings,	116 14 0	Three hundred fifty-four pounds six shillings and eightpence,	364 0 0	480 14 0
Marblehead.	One hundred and sixteen pounds fourteen shillings,	76 4 0	Three hundred and sixty-four pounds,	173 12 0	249 16 0
Lynn.	Seventy-six pounds four shillings,	81 12 0	One hundred seventy-three pounds twelve shillings,	198 4 0	279 16 0
Andover.	Eighty-one pounds twelve shillings,	76 16 0	One hundred ninety-eight pounds four shillings,	154 16 0	231 12 0
Beverly.	Seventy-six pounds sixteen shillings,	81 18 0	One hundred fifty-four pounds sixteen shillings,	138 17 4	220 15 4
Rowley.	Eighty-one pounds eighteen shillings,	85 16 0	One hundred thirty-eight pounds seventeen shillings and fourpence,	130 10 8	216 6 8
Salisbury.	Eighty-five pounds sixteen shillings,		One hundred thirty pounds ten shillings and eightpence,		

	£78	0s.	0d.	£131	18s.	8d.	£209	18s.	8d.
Haverhill, .									
Seventy-eight pounds, .									
Seventy-nine pounds ten shillings, .	79	10	0	198	2	8	277	12	8
Seventy-nine pounds ten shillings, .	79	10	0	62	8	0	141	18	0
Sixty-nine pounds, .	69	0	0	65	1	4	135	1	4
Thirty-one pounds ten shillings, .	31	10	0	126	4	0	137	14	0
Seventy-one pounds eighteen shillings, .	71	18	0	73	13	4	145	11	4
Seventy-four pounds fourteen shillings, .	74	14	0	63	4	0	137	18	0
Wetham, .	0	0	0	43	12	0	43	12	0
Nantchester, .	0	0	0	27	14	8	27	14	8
Nethuen, .	0	0	0	41	12	6	41	12	6
Middleton, .									
	£1,358	6s.	0d.				£4,540	14s.	6d.

One hundred thirty-one pounds eighteen shillings and eightpence,  
 One hundred ninety-eight pounds two shillings and eightpence,  
 Sixty-two pounds eight shillings,  
 Sixty-six pounds one shilling and fourpence,  
 One hundred twenty-six pounds four shillings,  
 Seventy-three pounds thirteen shillings and fourpence,  
 Sixty-three pounds four shillings,  
 Forty-three pounds twelve shillings,  
 Twenty-seven pounds fourteen shillings and eightpence,  
 Thirty pounds; fine £11 12s. 6d.; forty-one pounds twelve shillings and 6d.,

## IN THE COUNTY OF MIDDLESEX.

	£61	16s.	0d.	£121	1s.	4d.	£182	17s.	4d.
Cambridge, .	117	12	0	267	6	8	384	18	8
One hundred seventeen pounds twelve shillings, .	117	12	0	141	0	0	198	12	0
Fifty-seven pounds twelve shillings, .	57	12	0	160	0	0	232	0	0
Seventy-two pounds, .	72	0	0	62	13	4	139	9	4
Seventy-six pounds sixteen shillings, .	76	16	0						
Woburn, .	66	18	0	132	19	4	199	17	4
Sixty-six pounds eighteen shillings, .	66	18	0						
Reading, .	62	14	0	117	14	8	180	8	8
Sixty-two pounds fourteen shillings, .	62	14	0						
Sudbury, .	60	6	0	135	11	2	195	17	2
Marlborough, .	61	4	0	108	12	0	169	16	0
Sixty-one pounds four shillings, .	61	4	0	89	4	0	160	18	0
Lexington, .	71	14	0	109	12	0	173	16	0
Newton, .	64	4	0	100	18	8	163	0	8
Sixty-four pounds four shillings, .	62	2	0	91	7	4	166	1	4
Nutten, .	74	14	0	109	0	2	187	4	2
Sixty-four pounds fourteen shillings, .	74	14	0						
Seventy-eight pounds four shillings, .	78	4	0						
Billerica, .									
Sherborn, .	0	0	0	69	13	2	69	13	2
Holliston, .	0	0	0	24	0	0	24	0	0
Groton, .	67	10	0	90	0	0	157	10	0
Sixty-seven pounds ten shillings, .									

One hundred twenty-one pounds one shilling and fourpence,  
 Two hundred sixty-seven pounds six shillings and eightpence,  
 One hundred and forty-one pounds,  
 One hundred and sixty pounds,  
 Sixty-two pounds thirteen shillings and fourpence,  
 One hundred thirty-two pounds nineteen shillings and fourpence,  
 One hundred seventeen pounds fourteen shillings and eightpence,  
 One hundred thirty-five pounds eleven shillings and twopence,  
 One hundred eight pounds twelve shillings,  
 Eighty-nine pounds four shillings,  
 One hundred nine pounds twelve shillings,  
 One hundred pounds eighteen shillings and eightpence,  
 Ninety-one pounds seven shillings and fourpence,  
 One hundred nine pounds and twopence,  
 Fifty pounds four shillings; fine £19 9s. 2d.; sixty-nine p<sup>bs</sup>. thirteen and 2d.,  
 Twenty-four pounds,  
 Ninety pounds,



## IN THE COUNTY OF MIDDLESEX.—Continued.

	PAID THE REPRESENTATIVES.	PROVINCE TAX.		SUM TOTAL.
		£72 18s. 0d.	£102 1s. 4d.	
Framingham,	Seventy-two pounds eighteen shillings.	0 0 0	48 4 0	£174 19s. 3d.
Medford, . . .	• • • • •	0 0 0	79 10 4	48 4 0
Stow, . . .	• • • • •	0 0 0	24 17 10	79 10 4
Dunstable, . .	• • • • •	0 0 0	41 16 2	24 17 10
Dracut, . . .	• • • • •	0 0 0	35 17 4	41 16 2
Stoneham, . .	• • • • •	0 0 0	65 15 6	35 17 4
Litlington, . .	• • • • •	0 0 0	35 16 0	65 15 6
Hopkinton, . .	• • • • •	0 0 0	41 6 6	35 16 0
Bedford, . . .	• • • • •	0 0 0	53 13 3	41 6 6
Westford, . . .	• • • • •	0 0 0	32 10 0	53 13 3
Wilmington, . .	• • • • •	0 0 0	12 8 10	32 10 0
Nottingham, . .	• • • • •	0 0 0	£3,632 14s. 11d.	12 8 10
		£1,128 4s. 0d.		

## IN THE COUNTY OF WORCESTER.

		PROVINCE TAX.		SUM TOTAL.
		£64 10s. 0d.	£45 11s. 4d.	
Worcester,	Sixty-four pounds ten shillings,	65 4 0	104 13 4	£110 1s. 4d.
Lancaster, . .	Fifty-five pounds four shillings,	80 17 0	72 0 0	139 17 4
Mendon, . . .	Eighty pounds seventeen shillings,	90 6 0	64 0 0	152 17 0
Woodstock, . .	Ninety pounds six shillings,	51 18 0	54 2 8	132 17 0
Brookfield, . .	Fifty-one pounds eighteen shillings,	0 0 0	48 0 0	134 6 0
Southborough, .	Thirty-four pounds four shillings,	34 4 0	15 12 0	106 0 8
Leicester, . . .	• • • • •	0 0 0	50 4 6	48 0 0
Rutland, . . .	• • • • •	0 0 0	40 16 0	27 18 8
Lancashire, . .	• • • • •	0 0 0	15 12 0	62 2 8
Westborough, .	• • • • •	0 0 0	50 4 6	15 12 0
Shrewsbury, . .	• • • • •	0 0 0	40 16 0	15 12 0

Oxford, . . . . .	£0 0s. 0d.	Twenty-eight pounds eight shillings, . . . . .	£28 8s. 0d.
Sutton, . . . . .	0 0 0	Forty-nine pounds; five £18 19: sixty-seven pounds nine- teen shillings, . . . . .	67 19 0
Uxbridge, . . . . .	0 0 0	Twenty-four pounds one shilling and fourpence, . . . . .	24 1 4
Harvard, . . . . .	0 0 0	Twenty-eight pounds twelve shillings and sixpence, . . . . .	28 12 6
	£376 19s. 0d.		£1,064 10s. 4d.

## IN THE COUNTY OF HAMPSHIRE.

Springfield, . . . . .	£55 16s. 0d.	One hundred eighty-three pounds eight shillings, . . . . .	£239 4s. 0d.
Northampton, . . . . .	54 12 0	One hundred thirty pounds five shillings and fourpence, . . . . .	184 17 4
Hadley, . . . . .	90 6 0	Seventy-seven pounds nine shillings and fourpence, . . . . .	167 15 4
Matfield, . . . . .	22 4 0	Sixty-three pounds twelve shillings, . . . . .	77 9 4
Westfield, . . . . .	71 14 0	Seventy-seven pounds one shilling and fourpence, . . . . .	63 12 0
Sutfield, . . . . .	61 16 0	One hundred and eight pounds, . . . . .	148 15 4
Fatfield, . . . . .	49 10 0	Seventy-seven pounds sixteen shillings, . . . . .	108 0 0
Doerfield, . . . . .	0 0 0	Forty pounds eighteen shillings and eightpence, . . . . .	77 16 0
Sunderland, . . . . .	0 0 0	Twenty-two pounds four shillings, . . . . .	40 18 8
Northfield, . . . . .	0 0 0	Twenty-five pounds one shilling and fourpence, . . . . .	22 4 0
Braufield, . . . . .	0 0 0	Twenty-six pounds thirteen shillings and fourpence, . . . . .	25 1 4
	£405 18s. 0d.		£1,238 7s. 4d.

## IN THE COUNTY OF PLIMOUTH.

Plimouth, . . . . .	£58 4s. 0d.	One hundred fifty-five pounds ten shillings and eightpence, . . . . .	£213 14s. 8d.
Plumpton, . . . . .	68 1 0	Ninety-nine pounds one shilling and fourpence, . . . . .	157 2 4
Scituate, . . . . .	68 0 0	Two hundred and six pounds ten shillings and eightpence, . . . . .	274 18 8
Bridgewater, . . . . .	81 0 0	One hundred sixty-nine pounds, . . . . .	169 0 0
Marshbrook, . . . . .	65 14 0	One hundred twenty-two pounds four shillings, . . . . .	122 4 0
Pembroke, . . . . .	52 10 0	Fifty-four pounds one shilling and fourpence, . . . . .	103 11 4
Duxborough, . . . . .	59 8 0	Sixty-four pounds three shillings, . . . . .	64 4 0
Mablethorpe, . . . . .	73 4 0	One hundred eight pounds nine shillings and fourpence, . . . . .	108 9 4
Rochester, . . . . .	75 18 0	One hundred and sixteen pounds sixteen shillings, . . . . .	116 16 0
Abington, . . . . .	0 0 0	Sixty-seven pounds three shillings and twopence, . . . . .	67 3 2

## IN THE COUNTY OF PLIMOUTH—Continued.

	PAID THE REPRESENTATIVES.	£0 0s. 0d.	PROVINCE TAX.	£67 3s. 2d.	SUM TOTAL.
Kingston, .	. . . . .	0 0 0	Sixty-seven pounds three shillings and twopence, .	65 15 6	£67 3s. 2d.
Hannover, .	. . . . .	0 0 0	Sixty-five pounds fifteen shillings and sixpence, .	65 15 6	65 15 6
		£592 7s. 0d.			£1,888 6s. 2d.

## IN THE COUNTY OF BRISTOL.

	£84 12s. 0d.	One hundred twenty-two pounds six shillings and eightpence, .	£122 6s. 8d.	£206 18s. 8d.
Bristol, .	75 12 0	One hundred sixty-seven pounds and eightpence, .	167 0 8	242 12 8
Taunton, .	65 2 0	Seventy-two pounds two shillings and eightpence, .	72 2 8	137 4 8
Norton, .	0 0 0	Twenty-seven pounds one shilling and fourpence, .	27 1 4	27 1 4
Easton, .		Two hundred forty-six pounds fourteen shillings and eightpence, .	246 14 8	334 18 8
Dartmouth, .	88 4 0	Sixty-five pounds sixteen shillings, .	65 16 0	141 8 0
Dighton, .	75 12 0	One hundred ninety-one pounds twelve shillings, .	191 12 0	258 16 0
Rehoboth, .	67 4 0	One hundred thirty-seven pounds seventeen shillings and four p <sup>rs</sup> , .	137 17 4	210 15 4
Little Compton, .	72 18 0	One hundred fifty-six pounds nine shillings and fourpence, .	156 9 4	235 7 4
Swansey and		Seventy-five pounds six shillings and eightpence, .	75 6 8	119 14 8
Showamit, .	44 8 0	Fifty-nine pounds sixteen shillings, .	59 16 0	59 16 0
Tiverton, .	0 0 0	Ninety-three pounds fourteen shillings and eightpence, .	93 14 8	166 18 8
Freetown, .	73 4 0	Fifty-seven pounds, .	57 0 0	57 0 0
Attleborough, .	0 0 0	Forty pounds eight shillings, .	40 8 0	40 8 0
Barrington, .	0 0 0			
Raynham, .	0 0 0			
	£725 14s. 0d.			£2,239 0s. 0d.

## IN THE COUNTY OF BARNSTABLE.

	£57 12s. 0d.	Two hundred two pounds nine shillings and fourpence, .	£202 9s. 4d.	£260 1s. 4d.
Barnstable, .		One hundred twenty-four pounds five shillings and fourpence, .	124 5 4	199 17 4
Yarmouth, .	75 12 0	One hundred twenty-nine pounds fourteen shillings and eightpence, .	129 14 8	196 6 8
Sandwich, .	66 12 0	One hundred forty-eight pounds fourteen shillings and eightp <sup>rs</sup> , .	148 14 8	202 2 8
Eastham, .	53 8 0			



*And be it further enacted by the authority aforesaid,*

[SECT. 2.] That the treasurer do forthwith send out his warrants, directed to the selectmen or assessors of each town or district within this province, requiring them, respectively, to assess the sum hereby set upon such town and district, in manner following; that is to say, to assess all rateable male polls above the age of sixteen years, at five shillings and fourpence per poll, and proportionably in assessing the said additional sum received out of the treasury for the payment of the representatives and the fines set on the towns as aforesaid, except the governour, lieutenant-governour and their families, the president, fellows and students of Harvard Colledge, settled ministers and grammar-school masters (who are hereby exempted as well from being taxed for their polls, as for their estates being in their own hands and under their actual management and improvement); and other persons (if such there be) who, through age, infirmity or extream poverty in the judgment of the assessors, are not capable to pay towards publick charges, they may except their polls and so much of their estates, as in their prudence they shall think fit and judge meet.

[SECT. 3.] And the justices in general sessions in the respective counties assembled, in granting a county tax or assessment, are hereby ordered and directed to apportion the same on the several towns in such county in proportion to their province rate, exclusive of what has been paid out of the public treasury to the representative of such town for his service, and the fines set on sundry towns as aforesaid; and the assessours of each town in the province are also directed in making any assessment, to govern themselves by the same rule; and all estates, both real and personal, lying within the limits and bounds of such town or district, or next unto the same, not paying elsewhere, in whose hand, tenure, occupation or possession soever the same is or shall be found, and income by trade or faculty which any person or persons (except as before excepted) do or shall exercise in gaining, by money or other estate not particularly otherwise assessed, or commissions of profit in their improvement, according to their understanding and cunning, at one penny on the pound; and to abate or multiply the same if need be, so as to make up the sum hereby set and ordered for such town or district to pay; and in making their assessments to estimate houses and lands at six years' income of the yearly rents whereat the same may be reasonably set or let for in the places where they lye: *saving* all contracts betwixt landlord and tenant, and where no such contract is, the landlord to reimburse one-half of the tax set upon such houses and lands; and to estimate Indian, negro and molatto servants proportionably as other personal estate, according to their sound judgment and discretion; as also to estimate every ox of four years old and upwards, at forty shillings; every cow of three years old and upwards, at thirty shillings; every horse and mare of three years old and upwards, at forty shillings; every swine of one year old and upwards, at eight shillings; every goat of one year old and upwards, at three shillings: likewise requiring the assessors to make a fair list of the said assessment, setting forth, in distinct columns, against each particular person's name, how much he or she is assessed at for polls, and how much for houses and lands, and how much for personal estate and income by trade or faculty; and the list or lists so perfected and signed by them or the major part of them, to commit to the collectors, constable or constables of such town or district, and to return a certificate of the name or names of such collector, constable or constables, together with the sum total to each of them respectively committed, unto himself, some time before the last day of October next.



[SECT. 4.] And the treasurer for the time being, upon receipt of such certificate, is hereby impowered and ordered to issue forth his warrants to the collectors, constable or constables of such town or district, requiring him or them, respectively, to collect the whole of each respective sum assessed on each particular person, before the last day of March next; and of the inhabitants of the town of Boston, to collect their proportion some time in the month of January next; and to pay in their collection, and issue the accounts of the whole, at or before the last day of May next, which will be in the year of our Lord one thousand seven hundred and thirty-five.

*And be it further enacted by the authority aforesaid,*

[SECT. 5.] That the assessors of each town and district, respectively, in convenient time before their making the assessment, shall give seasonable warning to the inhabitants, in a town meeting, or by posting up notifications in some place or places in such town or district, or otherwise to notify the inhabitants to give or bring in to the assessors true and perfect lists of their polls and rateable estates; and if any person or persons shall neglect or refuse so to do, or bring in a false list, it shall be lawful to and for the assessors to assess such person or persons, according to their known ability in such town, in their sound judgment and discretion, their due proportion to this tax, as near as they can, agreeable to the rules herein given, under the penalty of twenty shillings for each person that shall be convicted by legal proof, in the judgment of the assessors, of bringing in a false list; the said fines to be for the use of the poor of such town or district where the delinquent lives, to be levied by warrant from the assessors, directed to the collector or constable, in manner as is directed for gathering town assessments, and to be paid in to the town treasurer or selectmen for the use aforesaid: *saving* to the party aggrieved at the judgment of the assessors in setting forth such fine, liberty of appeal therefrom to the court of general sessions of the peace within the county, for relief, as in case of being overrated.

[SECT. 6.] And if the party be not convicted of any falseness in the list, by him presented, of polls, rateable estate, or income by any trade or faculty which he doth or shall exercise in gaining, by money at interest or otherwise, or other estate not particularly assessed, such list shall be a rule for such person's proportion to the tax, which the assessors may not exceed.

*And forasmuch*, as oftentimes sundry persons not belonging to this province, bring considerable trade and merchandize, and by reason that the tax or rate of the town where they come to trade and traffick is finished, and delivered to the constables or collectors, and, before the next year's assessment, are gone out of the province, and so pay nothing towards the support of the government, though in the time of their residing here they reap'd considerable gain by trade, and had the protection of the government,—

*Be it further enacted by the authority aforesaid,*

[SECT. 7.] That when any such person or persons shall come and reside in any town of this province for the space of twenty days, and bring any merchandize, and trade and deal therewith, the assessors of such towns are hereby impowered to rate and assess all such persons according to their circumstances, pursuant to the rules and directions in this act provided, tho' the former rate may have been finished, and the new one not perfected, as aforesaid; and the constables or collectors are hereby enjoined to levy and collect all such sums committed to them and pay the same into the town treasury. [Passed July 4; published July 6.]

# ACTS

PASSED AT THE SESSION BEGUN AND HELD AT BOSTON,  
ON THE TWENTIETH DAY OF NOVEMBER, A.D. 1734.

## CHAPTER 14.

AN ACT FOR ENQUIRY INTO THE RATEABLE ESTATE OF THIS PROVINCE.

Preamble.  
1727, chap. 2.

WHEREAS there may be considerable alteration in the rateable estate of this province since the last [e][i]nquiry thereinto, by order of this court,—

*Be it therefore enacted by His Excellency the Governor, Council and Representatives in General Court assembled, and by the authority of the same,*

Assessors for  
the year 1735 to  
take a list of  
polls and  
estates.

[SECT. 1.] That the assessors of the several towns within this province, that shall be chosen for the year one thousand seven hundred and thirty-five, shall, under oath, at or before the tenth day of April next, take a true and faithful list or account, according to their best skill and understanding, of all male polls from sixteen years old and upwards, being inhabitants of each respective town, whether at home or abroad, and none to be exempted thro[ugh] age, poverty or otherwise; and likewise of all rateable estates within the bounds of each town, both real and personal, and to whom the same belong[s], including all Indian, negro[e] and molatto servants, as well for term of years as for life, together with all farms and other lands lying adjacent thereunto, with the inhabitants thereon, except the governor or commander-in-chief, the lieut[enant] governo[u]r and their families, the president, fellows and students of Harvard College, settled ministers and grammar-school masters, who are hereby exempted, as well for their polls as for their estates, being in their hands and under their actual management and improvem[en]t; and the said assessors are directed and required in tak[e]ing the s[ai]d lists or accounts, to conform themselves to lists or forms printed for that purpose; and the s[ai]d assessors are also directed and required to transmit[t] the s[ai]d lists or accounts so taken, together with a certificate that they have taken the oath hereafter prescribed, into the secretar[y][ic]'s office in this province, at or before the last Wednesday of May next; which s[ai]d oath shall be administred to the s[ai]d assessors by a justice of the peace, or town clerk where there is no justice, who are respectively impowered to administer the same accordingly: which said oath shall be in the form following; vitz,—

Assessors to  
transmit their  
lists of polls  
and estates into  
the secretary's  
office.

Oath for the  
assessors for  
the year 1735.

You, A., B., C., being chosen assessors of the town of D., for this present year, do severally swear, that you will truly and faithfully do and perform the whole business and duty of an assessor, according to the directions of this act. So help you God.

*And be it further enacted by the authority afores[ai]d,*

[SECT. 2.] That the assessors of each of the towns as aforesaid (or such of them as are living), for the year one thousand seven hundred and thirty-four, are also hereby required to transmit[t] to the said secretary's office, by the said last Wednesday of May next, under oath, true and perfect copies of the province rates or taxes of their respective towns for the said year, as committed to the several constables or collectors to collect, with a certificate under the hand of a justice of the peace, or town clerk where there is no such justice, that the said assessors of the town of A., for the year [one thousand seven hundred and thirty-four] [1734], had taken the [oath] following [oath]; viz.,—

Assessors for the year 1734 to send a list of rates and taxes into the secretary's office.

You, E. F., do swear that this list is a true copy of the province rate or tax in your town by you made for the year [one thousand seven hundred and thirty-four] [1734], as committed to the constables or collectors of your town, and that you were under oath when you did the same. So help you God.

Oath for the assessors in the year 1734.

—which oath the said justice or town clerk are respectively impowered to administer to the s[ai]d assessors accordingly.

*And be it further enacted by the authority afores[ai]d,*

[SECT. 3.] That if any of the s[ai]d assessors shall neglect or fail of their duty as directed to in this act, each of them so neglecting or failing of their duty, shall forfeit and pay the sum of ten pounds; the one half thereof to his majesty, for and towards the support of this governm[en]t, the other half to him or them that shall inform and sue for the same in any of his majesty's courts of record within this province, by bill, plaint or information. [Passed December 23, 1734; published January 4, 1734-35.]

Penalty on assessors that neglect their duty.

## CHAPTER 15.

### AN ACT TO ENCOURAGE THE RAISING OF HEMP AND FLAX WITHIN THIS PROVINCE.

WHEREAS the better cultivation of the lands of this province, by raising naval stores, especially hemp and flax, within the same, will be of great service to the crown, as well as benefit to his majesty's subjects; and whereas, the several acts that have been already made and pass'd for this purpose, have not sufficiently encouraged persons to undertake the same,—

Preamble.

1715-16, chap. 19.  
1718-19, chap. 5.  
1725-26, chap. 7.  
1730-31, chap. 11.

*Be it enacted by His Excellency the Governor, Council and Represent[at]ives in General Court assembled, and by the authority of the same,*

[SECT. 1.] That from and after the first day of March next, there shall be paid out of the publick treasury, the sum of fifty-eight shillings for every one hundred and twelve pounds of water-rotted, well cured and clean dress'd hemp of the growth of this province, thereafter raised or produced; and thirty-seven shillings and fourpence for every one hundred and twelve pounds of water-rotted, well cured and clean dressed flax; and eighteen shillings and eightpence for every one hundred and twelve pounds of dew-rotted, well cured and clean dress'd flax of the growth of this province, thereafter raised or produced; and so in proportion for a greater or lesser quantity, not less than twenty-eight pounds weight: the quantity and quality of hemp and flax to be certified to the treasurer of the province, under the hand of such skilful survey[o]r, as each town shall chuse at their annual meeting in March yearly, for that purpose, who shall be paid by the owner of such

Bounty allowed for hemp and flax raised in this Province.

Hemp and flax to be surveyed, and the quantity and quality certified by the surveyor.

hemp or flax, one shilling for every one hundred and twelve pounds which he shall survey, and so in proportion for a greater or lesser quantity ; and shall be sworn, as other town officers are, to the faithful discharge of his office, in the words following ; viz,—

**Surveyor's oath.** You, A. B., being chosen a surveyor of hemp and flax within the town of C., for one year, and until another be chosen and sworn in your stead, do swear, that you will well and faithfully execute your said office, after your best skill and cunning, with all fidelity and without any partiality, favour or affection ; and that you will not pass your certificate for any hemp or flax, but such as in your judgment and conscience you shall judge to be merchantable, of due size and well manufactured, as the law directs. So help you God.

**Qualities of the hemp and flax.** *And be it further enacted by the authority aforesaid,*  
[SECT. 2.] That no hemp shall be accounted merchantable within the intent of this act, but such as shall be bright, well cured and water-rotted, of three feet in length at least, and cleansed fit for use ; nor shall any flax be accounted merchantable within the intent of this act, but such as is [*such*] bright, well cured and cleansed from the swingle, fit for use.

[SECT. 3.] And no person shall be entitled to any premium for hemp or flax, till he hath made oath before the treasurer of the province, or surveyor of such town whereof the person raising the hemp or flax is an inhabitant (who are hereby respectively impowered to administer the same), in the manner following ; viz,—

**Oath of the person claiming the bounty.** You swear that the hemp (or flax) by you now offered for a premium is *bona fide* the produce and growth of land under your improvement within this province, since March the first, *Anno Domini* one thousand seven hundred and thirty-four ; and that neither you nor any other person hath received the premium for the same or any part thereof.

**Certificate to be made of the oath.** [SECT. 4.] And every surveyor who administers such oath as aforesaid, shall certify the same to the province treasurer, under his hand, with his certificate of the quantity and quality of the hemp or flax ; and the person receiving the premium shall give the treasurer a receipt thereof.

*And be it further enacted,*  
**Additional bounty for 224 pounds and upwards.** [SECT. 5.] That if any person shall bring to the surveyor the quantity of two hundred and twenty-four pounds of hemp or flax, sworn to and certified in manner as aforesaid, he shall be allowed for hemp, fourteen shillings a hundred ; and for water-rotted flax, nine shillings and fourpence ; and for dew-rotted flax, four shillings and eightpence a hundred, over and above what is before allowed in this act.

**Limitation.** [SECT. 6.] This act to continue and be in force for the space of three years from the publication thereof, and no longer. [*Passed January 1 ; published January 4, 1734–35.*]

## CHAPTER 16.

AN ACT IN ADDITION TO AN ACT ENTITLED “AN ACT FOR THE SETTLEMENT AND DISTRIBUTION OF THE ESTATES OF INTESTATES.”

**Preamble.** WHEREAS in and by an act made and passed in the fourth year of the reign of King William and Queen Mary, entitled “An Act for the settlement and distribution of the estates of intestates,” the judges of probate of wills, and for granting letters of administration of the



estates of intestates, are to settle the estate, both real and personal, "one-third part of the personal estate to the wife of the intestate forever, besides her dower or thirds in the housing and lands, during life, where such wife shall not be otherwise endowed before marriage; and all the residue of the real and personal estate, by equal portions, to and among his children, and such as shall legally represent them, &c," but sufficient provision is not made for the settlement of the estate on the grandchild or grandchildren, where one or more of the children of the intestate are deceased: for want thereof, considerable difficult[y][ie]s have arisen and may arise; for remedy whereof,—

*Be it enacted by His Excellency the Governor, Council and Representatives in General Court assembled, and by the authority of the same,*

[SECT. 1.] That the several judges of probate of wills and for granting administration on the estates of intestates, where any of the children deceased in the lifetime of the intestate, and left issue, shall make a full settlem[en]t of the estate in manner following; vizt., on the grandchildren, that part which their deceased father or mother would have had or taken if living at the time of the intestate's decease; and shall settle two shares, or a double portion on the eldest son, if any be, and so in the same manner and proportion as if the same had descended from their immediate father or mother, and shall follow the same rules as to settling the lands upon one or more of the grandchildren (as the same are capable of making settlements), according to the direction of the law of this province; vizt, an act made in the sixth year of King George the First, chap. [III.\*] [the third] directing to give preference to the sons.

Manner of settling intestate estates on grand-children.

1719-20, chap. 19 § 4.

*Provided, always,*

[SECT. 2.] This act shall not extend to affect the title of any estate already settled. *[Passed January 1; published January 4, 1734-35.]*

Proviso.

## CHAPTER 17.

AN ACT FOR DIVIDING THE TOWN OF BILLERICA, AND ERECTING THE NORTHERLY AND NORTH-EASTERLY PART OF SAID TOWN INTO A DISTINCT TOWNSHIP, BY THE NAME OF TEWKSBURY.

WHEREAS the inhabitants of the northerly and north-easterly part of the town of Billerica, in the county of Middlesex, are so situated in their habitations as to live very remote from the place of publick worship, and on that account as well as divers others, have laboured under great difficulties and hardships, and for relief therein have petitioned this court, the said lands being already settled with a competent number of inhabitants, to form a township,—

Preamble.

*Be it enacted by His Excellency the Governor, Council and Representatives in General Court assembled, and by the authority of the same,*

[SECT. 1.] That the northerly and north-easterly part of the town of Billerica, with the inhabitants thereon, be and hereby are set off from the said town of Billerica, and erected into a separate and distinct township by the name of Tewksbury; the line or boundary of said town to take in two-thirds of the land from Andover line to Billerica meeting-house, by a parallel line with Andover line, extending from Concord River to Wilmington line.

A new town made called Tewksbury.

Bounds of the town.



[SECT. 2.] And that the inhabitants of the said lands be and hereby are accordingly vested and endowed with all powers, privileges, immunities and advantages which the inhabitants of any other town in this province do or by law ought to have, hold or enjoy.

[SECT. 3.] And the inhabitants of [the] said town of Tewksbury are hereby enjoined and required, within the space of two years from the publication of this act, to build and finish a suitable meeting-house for the publick worship of God, and that they procure and settle a learned, orthodox minister of good conversation, and make provision for his comfortable and honourable support.

*Provided, nevertheless,*

Provido.

[SECT. 4.] That the inhabitants of the said town of Tewksbury, be and hereby are obliged to pay their respective proportions of all province taxes that are already assessed upon the inhabitants of the aforesaid town of Billerica, hitherto arisen within the same. [*Passed December 17, 1734 ; published January 4, 1734-35.*]

## ACTS

PASSED AT THE SESSION BEGUN AND HELD AT BOSTON,  
ON THE NINTH DAY OF APRIL, A.D. 1735.

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## CHAPTER 18.

AN ACT FOR GRANTING THE SUM OF THREE THOUSAND POUNDS FOR  
THE SUPPORT OF HIS MAJESTY'S GOVERNOR.

*Be it enacted by His Excellency the Governor, Council and Representatives, in General Court assembled, and by the authority of the same,*

[SECT. 1.] That the sum of three thousand pounds, in bills of publick credit on this province, be and hereby is granted unto his most excellent majesty, to be paid out of the publick treasury to his excellency Jonathan Belcher, Esq', captain-general and governor-in-chief in and over this his majesty's province of the Massachusetts Bay, to enable him to go on in managing the publick affairs.

[SECT. 2.] And the duties of impost and excise, together with all other incomes, shall be a fund and security for the payment and drawing in the said bills into the treasury again.

*And be it further enacted,*

[SECT. 3.] That there be and hereby is granted unto his most excellent majesty, as a further fund and security for drawing in the said bills, by this act ordered to be emitted, a tax of three thousand pounds, to be levied upon polls, and estates both real and personal, within this province, according to such rules and directions, and in such proportion, upon the several towns and districts within the same as shall be agreed on and ordered by this court, in their present session, and paid into the publick treasury on or before the last day of December next coming. [*Passed and published April 18, 1735.*]

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## CHAPTER 19.

AN ACT FOR DIVIDING THE TOWNS OF TAUNTON AND DIGHTON, AND  
ERECTING A NEW TOWN THERE BY THE NAME OF BERKELEY.

WHEREAS the southerly part of Taunton, and the north part of Dighton, on the east side of the Great River, is competently fill'd with inhabitants who labour under difficulties by reason of their remoteness from the places of publick meetings in the said towns, and have thereupon made their application to this court that they may be set off a distinct and separate township, and be vested with all the powers and privileges that other towns in this province are vested with,—

*Be it therefore enacted by His Excellency the Governor, Council and Representatives in General Court assembled, and by the authority of the same,*

A new town constituted, by the name of Berkeley.

[SECT. 1.] That the southerly part of Taunton, and the northerly part of Dighton, on the east side of the Great River, as hereafter bounded and described, be and hereby are set[t] off, constituted and erected into a sep[a][e]rate and distinct township, by the name of Berkeley.

Bounds thereof described.

[SECT. 2.] The bounds of the said township being as follows; viz<sup>t</sup>., beginning at the Great River at a forked white-oak tree, at the landing-place between the land of Abraham Tisdal[e] and Micah Pratt, and from thence, to extend on a streight line to a damm, known by the name of Little Meadow Dam[m]; from thence, to a rock with an heap of stones on it, in the said Little Meadow; from thence, to extend on a streight line, until it intersects the line of the precinct, which includes part of Taunton and part of Middleborough, opposite to the dwelling-house of John Williams; from thence, to extend on said precinct line to the maple tree, which is the corner bounds of Middleborough, Freetown, Dighton and Taunton; and from thence, bounded by Freetown, till it comes to a little knap or hillock of upland, being the bounds between Dighton, Freetown and Assonet Neck; and then bounded by the land of Mr. Edward Shove, till it comes to Taunton River, and then bounded by said river, till it comes to the first-mentioned bounds.

[SECT. 3.] And that the inhabitants thereof be and hereby are vested and endowed with equal powers, privileges and immunities that the inhabitants of any of the other towns within this province are, or by law ought to be vested with.

*Only,*

Persons exempted.

[SECT. 4.] It is to be understood that John Spurr, Nicholas Stevens, John Tisdale, Abraham Tisdale, Israel Tisdale and Ebenezer Pitts, and their families and estates, are not to be included in said township, and are to belong to the towns of Taunton and Dighton, as formerly.

[SECT. 5.] And the inhabitants of the town of Berkeley are hereby required, within the space of two years from the publication of this act, to procure and settle a learned, orthodox minister of good conversation, and make provision for his comfortable and honourable support, and also erect and finish a suitable and convenient house for the public worship of God, in said town.

*Provided, also,*

Proviso.

[SECT. 6.] That the inhabitants, included within this township, that heretofore belonged to Taunton, shall, from time to time, pay towards the repair of Ware Bridge in proportion with the remaining part of Taunton, according to their assessment in the last province tax, and also their proportion of the rates and taxes already made in Taunton; and that that part of this new township which belong'd to Dighton, pay their proportion with the said town of Dighton, of the arrears of their outstanding rates already made, and of the debts due from the said town of Dighton, and also their proportion of the charge for the maintenance of the present poor of the town of Dighton. [*Passed and published April 18, 1735.*]

## CHAPTER 20.

AN ACT FOR ERECTING A TOWN IN THE COUNTY OF WORCESTER, AT A PLANTATION CALLED HASSANAMISCO, BY THE NAME OF GRAFTON.

WHEREAS the plantation commonly called Hassanamisco, in the county of Worcester, is competently filled with inhabitants, who have built and finished a convenient meeting-house for the publick worship of God, and have settled a learned, orthodox minister amongst them, and have addressed this court to be erected into a sep[a][c]rate and distinct township, to hold and enjoy equal powers and privile[d]ges with the other towns in the province,—

*Be it enacted by His Excellency the Governor, Council and Representatives in General Court assembled, and by the authority of the same,*

[SECT. 1.] That the plantation at Hassanamisco, in the county of Worcester, as the same is hereafter bounded and described, be and hereby is set off and constituted a sep[a][c]rate and distinct township, by the name of Grafton.

*Preamble.*  
A new town constituted, by the name of Grafton.

[SECT. 2.] The bounds of said township being as follows; viz., beginning at a pine tree on a rocky hill, at the south-east corner, and from thence extending north four miles, with thirty-six perch allowance for loss of measure, bounding easterly on Sutton, to a heap of stones on a rock; from thence, west by the needle, four miles, with thirty rods allowance, to a heap of stones; from thence south four miles, to a heap of stones ninety rods south of the river, and a little southward of a small pine swamp northward of a little brook; and from thence to the corner first mentioned.

Bounds thereof described.

[SECT. 3.] And that the inhabitants thereof be and hereby are vested and endowed with equal powers, privile[d]ges and immunities that the inhabitants of any of the other towns within this province are or ought by law to be vested or endowed with.

*And be it further enacted by the authority aforesaid,*

[SECT. 4.] That such of the grantees as have not fully complied with the conditions of settlement, be and hereby are subjected, each one, to pay a fiftieth part of all rates and taxes that shall hereafter be laid on the inhabitants of the said town, as well as for the support of the ministry among them, and other town charges, until[1] they have fully complied with the conditions of settlement. [*Passed and published April 18, 1735.*]

## CHAPTER 21.

AN ACT TO PREVENT THE CURRENCY OF CERTAIN BILLS OR NOTES OF HAND EMITTED BY A SOCIETY OR NUMBER OF PERSONS IN THE PROVINCE OF NEW HAMPSHIRE.

WHEREAS sundry persons, principally, if not wholly, belonging to the province of New Hampshire, have, in the year last past, struck, signed and issued, or are about striking, signing and issuing certain bills or promissory notes, of a most uncertain and sinking value, as they are payable in New Hampshire, Massachusetts, Connecticut and Rhode Island bills, or in silver, gold or hemp at the unknown price they may be at Portsmouth, in New Hampshire, anno 1747, whereby his majesty's good subjects will be great sufferers should they part with

*Preamble.*

their goods and substance for them, or accept of them in payments; for prevention whereof.—

*Be it enacted by His Excellency the Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

New Hampshire  
notes forbidden  
to pass.

That from and after the first day of May next, all and every person or persons whatever, that shall, within this province, utter or offer to pass or put off, or that shall receive or take any of the aforesaid bills or promissory notes, shall incur and forfeit as a penalty for so uttering or taking the aforesaid bills or notes, all and every such bill or bills as they shall utter or put off, receive or take, together with treble the sum in bills of credit on this province, to the denomination of the bills so put off or received; that is to say, for uttering or putting off, or offering to put off, and for taking or receiving a bill or note of the denomination of seven shillings, the penalty shall be the forfeiture of the said bill, and twenty-one shillings beside, in province bills, and so, proportionably, for any greater or less bill or bills, or any sum of bills or notes; to be recovered by bill, plaint or information, before any justice of the peace or court of record, according as the penalties, being less or greater, are respectively cognizable, the one-half to him that shall inform or sue for the same, and the other moiety to the poor of the town where the crime is or shall be committed. [*Passed and published April 18, 1735.*]

Penalty.

**NOTES.**—There were four sessions of the General Court this year; the last three held by adjournment. (See NOTES to 1732-33, *ante*.) No acts were passed at the second session. Chapter 18, although passed to be enacted at the first session (June 8), was not signed by the Governor until April 18, 1735.

The engrossments of all the foregoing acts are preserved; and all, but chapters 12 and 13, were printed with the sessions acts.

The acts of the first session were laid before the Privy Council, December 19, 1734; and the remaining acts, August 21, 1735. The Privy Council referred them to their committee on plantation affairs, upon the following dates: acts of the first session, January 9, 1734-35; and of the third and fourth sessions, October 13, 1735. From this committee they were, respectively, sent to the Lords of Trade, January 13, 1734-35, and October 27, 1735. The Lords of Trade thereupon referred them to Mr. Fane, in the order of the dates of their reception, February 7, 1734-35, and November 6, 1735. Mr. Fane reported upon the acts first sent to him, May 14, and upon the last instalment, November 29, 1735, stating that he had no objection to any of them, in point of law. The acts of the last session were again laid before the Privy Council, with the acts of the first session of 1735-36, and went through the usual routine, until they reached Mr. Fane, when it was, probably, discovered that they had already been passed upon, as they were not again reported upon by him.

The report of the Lords of Trade to the committee of the Privy Council, on the acts of the first session, bears date February 9, 1736-37. In this report, chapters 8, 12, 13 and 18, which last was passed to be enacted at the first session, are declared to "either have had their full effect before this time, or, at least, little remains depending thereon;" chapters 2, 3, 4, 5, 6, 7, 9, 10 and 11 are described as "enacted for the private convenience of the province," and are recommended for confirmation; while chapter 1, having been "enacted for issuing paper bills of credit," and objected to for that reason, was recommended to be allowed to expire according to its own limitation, as in the case of chapters 7 and 11, of 1733-34, which were included in the same report. (See NOTES to that year, *ante*.) A special report was also made upon chapter 21, March 17, 1735-36. By an order in council, dated April 21, 1737, chapters 2, 3, 4, 5, 6, 7, 9, 10 and 11 were confirmed, in accordance with the above recommendation. The action of the Home Government upon other acts of this year is hereunder given in notes to the several chapters, except to chapters 14, 17, 19 and 20, upon which no report has been found.

*Chap. 1.* The following is the additional instruction referred to in the NOTES to 1733-34, in which chapters 7 and 11 of the acts of that year are referred to, as well as this chapter. The words enclosed in brackets were interlined or added, and those in italics were struck out, by the Privy Council:—

"Additional Instruction to Our Trusty and Wellbeloved Jonathan Belcher Esq<sup>r</sup> Our Capt. General and Governor in Chief in and over Our Province of the Massachusetts Bay in New England in America or to the Commander in Chief of the s<sup>d</sup> Province for the time being, Given at Our Court at St. James's the day of 1736-7 in the tenth year of our Reign\*"

Whereas by the 16<sup>th</sup> Article of Our Royal Instructions to you as Governor of our said Province of the Massachusetts Bay You are ordered and directed 'not to give your assent to or pass any Act in our said Province of the Massachusetts Bay under your Government, whereby Bills of Credit may be struck or issued in lieu of Money without a clause being in-

\* This was dated the 30th of April, 1737.



sorted in such Act, declaring that the same shall not take effect until the said Act shall have been approved and confirmed by us our Heirs and Successors except only for the annual support and service of our Government not exceeding £30,000 in such Paper Bills, And this permission to continue only until our further pleasure should be known thereupon' &c And by the 18<sup>th</sup> Article of our said Instructions you are directed 'to take care that the Bills heretofore issued should be called in and sunk according to the periods and provisions of the respective Acts by which they are issued.' Notwithstanding which Instructions it appears to us that when such Bills as had been issued and returned into the Treasury by virtue of former Acts, in order to be sunk, You have given your assent to [three] new Acts for re-issuing the same Bills and that particularly an Act [the first whereof] was passed in our said Province in Nov<sup>r</sup> 1733, for supplying the Treasury with the sum of £76,500 of such Bills of Credit, [the second] In Jan<sup>y</sup> 1733-4 An Act for repairing Castle William &c for supplying the Treasury with Bills of Credit for defraying the charge thereof] &c which Act directed the re-issuing more such Bills to the value of £2,700, And [the third] in May 1734 a 3<sup>d</sup> Act for supplying the Treasury with the sum of £27,371. 13s. 4<sup>d</sup> [Bills of Credit & for the issuing the sum of £2198.18. a surplus now remaining in the hands of the Treasurer for discharging publick Debts.]

By virtue of which Acts it appears that the sum of 106,571<sup>lb</sup>. 13s. 4<sup>d</sup> in such Bills were re-issued in the space of seven months, that ought to have been sunk according to the tenour of the Acts by which they were first issued, which being contrary to our forementioned Instructions, it is Our Will & Pleasure & We do hereby strictly enjoin & require you upon pain of our highest displeasure & of being immediately recalled from that our Government not to give your assent for the future to any Act whatever for issuing new bills of credit except only £30,000 for annual support of the Govern<sup>t</sup> Or to any Act for re-issuing old Bills or that shall continue any Bills current beyond the time limited by the Acts for emitting them, without inserting in every such case a Clause for suspending the execution of every such Act until our pleasure shall be declared thereupon.—"N. E., B. T.," vol. 40, p. 213; in *Public Record Office*.

"At the Court at St. James's the 21st April 1737 Present The King's most Excellent Majesty in Council

Upon reading this day at the Board a Report from the Right Honorable the Lords of the Committee of Council for Plantation Affairs dated the 19<sup>th</sup> of last Month humbly offering to His Majesty for His Royal approbation, a Draught of an Additional Instruction, prepared by the Lords Comm<sup>rs</sup> for Trade and Plantations, for the Governor of His Maj<sup>ty</sup>'s Province of the Massachusetts Bay, to restrain him from giving his assent for the future to any Act whatever for striking or issuing new Bills of Credit in lieu of Mony, except only to the value of thirty thousand pounds for the annual support of the Govern<sup>t</sup> or to any Act for re-issuing old Bills of Credit or that shall continue any Bills current beyond the time limited for emitting them, without inserting in every such case a clause for suspending the execution of every such Act until His Maj<sup>ty</sup>'s pleasure shall be declared thereupon—His Maj<sup>ty</sup> this day took the said Report & Draught of Additional Instruction into his Royal consideration, & was pleased with the advice of his Privy Council to approve of the said Draught of Additional Instruction (*which is hereunto annexed*) & to order as it is hereby ordered that His Grace the Duke of Newcastle one of His Maj<sup>ty</sup>'s Principal Secretaries of State do cause the same to be prepared for His Maj<sup>ty</sup>'s Royal Signature & to be transmitted to the said Governor accordingly.

A true copy

TEMPLE STANYAN "

—*Ibid.*, vol. 24, C. c., 42.

Upon the receipt of this instruction Belcher wrote to the Lords of Trade as follows:—  
"May it please Your Lordships

The latter end of the last month I had the honour to receive from the Secretary of State's Office His Majesty's additional Instruction of the 30<sup>th</sup> of April last respecting the issuing of Bills of Credit in this Province, by which I find that the Emissions of Bills made here have been represented as so much issued for those years only, whereas it will be found on examination, that our Bills were emitted from Dec<sup>r</sup> 1731 'till Oct. 1733, and then was issued £76,500 to extend to May following (being 2 years and 4 months) the Assembly contending all that time as to the way and manner of supplying the Treasury, so the Debts of the Province kept increasing, for it was necessary the Government should be supported by Money or Credit, and the longer before the Debts were paid off, the larger must the sum be when it was done, and this made the Emission in the year 1733 about £60,000 more than it would have otherwise been just at that time; and yet the Emission upon the whole was not an exceeding of His Majesty's 16<sup>th</sup> Instruction, which allows £30,000 a year to be issued for the annual support and service of the Government

As to the Bills of Credit, that were issued in the Government, before I came into it, they have been mostly call'd in and sunk according to the several periods and provisions of the respective Acts, by which they were issu'd, and what are not, have been lately specially ordered so to be by the whole Legislature, by Prosecutions in the Law; I say My Lords they are of course sunk, when they are paid into the treasury, and the re-issuing any Bills is just the same with making new Ones, and if at any time there lye old Bills with the Treasurer, that are not too much defac'd or worn to pass again, by their re-issuing it saves the Gov<sup>t</sup> the charge of new Paper, New Stamping and New Signing (which is considerable) and the Bills answer the end as well as so many new ones; nor is the Emission one shilling the more, when old Bills are reissued, than if new ones were made every time the Treasury's supply'd. I therefore can't apprehend, with deference to your Lordships, that I have made any infraction on His Majesty's 18<sup>th</sup> Instruction.

And I shall strictly conform myself to His Majesty's before mention'd additional Instruction, by not issuing more than £30,000 for the annual support of the Government.

Nor shall I continue any Bills current beyond the time limited by the Acts for emitting them, without a suspending clause, to wait His Maj<sup>ty</sup>'s pleasure therein.

And as the Assembly for about a year past have got into a method of emitting Bills of a

much better value than heretofore, I hope the charge of the Government will be fully compriz'd in the annual sum of £30,000. I am &c

J. BELCHER

Boston Sept. 17<sup>th</sup> 1737

[Indorsed] "Recd & Read Nov<sup>r</sup> 16<sup>th</sup> 1737"—*Ibid.*, vol. 25, C. c. 70.

Chap. 15. "Notwithstanding the King has had sufficient reason to resent the behaviour of the Assemblys of the Massachusetts Bay who have constantly refused doing what the Crown has desired of them, yet they have not desisted asking favours, which have as constantly been granted to them, and as a recent instance thereof, the thousand Bushels of Riga Hempseed which was asked by you for them have been granted, and we have also recommended to her Majesty a gift of 500 Bushels more to the Province of New Hampshire, as likewise the sending over two or three persons well skill'd in the manufacture of that commodity as proposed by you. This last article you may say is no favour done to the Massachusetts Bay, but it is an instance of all the disposition imaginable here of doing whatever may be thought of real advantage to the Colonies in America—

Upon the subject of hemp, you have proposed a larger bounty to be given upon the Importation of it into this Kingdom which may well deserve some further consideration, tho' the generality of the Merchants who we have hitherto discours'd upon this subject, when that matter was under consideration at this Board, seem'd to apprehend the present Bounty sufficient."—*Letter of Lords of Trade to Governor Belcher, September 10, 1735*; "N. E., B. T.," vol. 40, p. 138, in *Pub. Rec. Office*.

Against this act is minuted by the Lords of Trade: "Read Dec<sup>r</sup> 5<sup>th</sup>, 1735. To be further consider'd at the return to the letters ordered this day to be wrote to New England relating to the premium on Flax." The following is the order referred to:—

"With regard to that giving bounties upon Hemp and Flax, Order'd that Gov<sup>r</sup> Belcher, Col. Dunbar and the Surveyor of the Customs be wrote to know how that premium upon Flax operates; whether they have any views of setting up Linnen Manufactures there and whether it was given with that view? Whether they have any prospect of Irish people going there to instruct them in that Manufacture."

In compliance with the foregoing order, Mr. Secretary Popple wrote a letter to each of the persons abovenamed, of which the following is a copy:—

"Sir, My Lords Commissioners for Trade and Plantations having had under their consideration, an Act published in the Massachusetts Bay the 4<sup>th</sup> of January 1734-5 entitled *An Act to encourage the raising of Hemp and Flax within this Province*, command me to acquaint you with their desire of knowing what effect the said Bounties have had? Whether the bounty upon Flax was given with any view to the establishing a Linnen Manufacture in the Province? And whether the Report my Lords have heard, of some Irish skill'd in the Linnen Manufacture now going or gone to instruct the New England people therein is true? My Lords desire you will send me your answer to these Queries and any Observations you may have to make upon this subject, as soon as conveniently you can.

I am, Sir, Your most humble servant

A. P.

Whitehall Decem<sup>r</sup> 12<sup>th</sup> 1735."—"N. E., Board of Trade," in *Pub. Rec. Office*, vol. 40, p. 153.

At a meeting of the Lords of Trade, December 9, 1735,—“Mr. Wilks being asked upon the subject of the Act of 1734-5 to encourage the raising of Hemp and Flax, Whether it was done with any view to y<sup>e</sup> settling of Linnen Manufactures there? He said it was, and that there was a little Town called Londonderry where that Manufacture was carried on by some Irish.”—*Public Record Office*; “*Trade papers (Journals)*” vol. 39, p. 265.

1692-3, chap. 14.

Chap. 16. Minuted against this act by the Board of Trade is the following: “Read Dec<sup>r</sup> 5<sup>th</sup> 1735. Read again Dec<sup>r</sup> 9<sup>th</sup> 1735. No objection.”—“It being consistent with the Act of New England confirmed in August 1695 fol. 3. of our Printed Vol. altho’ not agreeable to the Statute of Distribution pass’d the 22 & 23<sup>d</sup> of Cha. 2<sup>d</sup> cap. 10.” But the extended record shows that at a meeting of the Lords of Trade, December 9, 1735,—“Mr. Fane attending as had been ordered at the last Meeting, the Act passed in the Province of the Massachusetts Bay in 1734-5 in addition to an Act for the settlement and distribution of y<sup>e</sup> Estates of Intestates read at the last Meeting was again read; and Mr. Fane being of opinion that it was agreeable to the Statute of Distribution of 22<sup>d</sup> and 23<sup>d</sup> of Chas. 2<sup>d</sup>, cap. 10, and the Board considering the same together with the Law to which it refers passed in 1719 for regulating decrees and other proceedings of the Judges of Probate &c with Mr. West’s report in favour of that Act, their Corps had no objection to this Act.”—*Public Record Office*; “*Trade papers (Journals)*,” vol. 39, p. 265.

22 and 23 Car. II., cap. X.

1719-20, chap. 10.

Chap. 18. Upon the passage of this act Belcher wrote under date of June 11, to the Lords of Trade, strongly urging them to use their influence in favor of his having a general permission to sign bills granting him a salary, including this act. A petition in his behalf was also presented by Belcher, junior. On the 29<sup>th</sup> of August, the Board reported a draught of an additional instruction, granting leave for the Governor’s assent to this chapter; and on the 7<sup>th</sup> of November following, an order in council passed in accordance with the recommendation in this report. (See *ante*, NOTES to 1731-32, chap. 5; 1732-33, chap. 11; and 1733-34, chap. 12.)

Chap. 21. At a meeting of the Lords of Trade, December 9, 1735,—“The Board took again into consideration the Act to prevent the currency of New Hampshire Bills in the Province of the Massachusetts, read at the last Meeting. Mr. Wilks said that if these Bills are allowed to be current in the Massachusetts it will be the ruin of the Province—And desired the Act might be well considered before it was Repealed, and that he might have opportunity of talking with the Merchants of this subject and would attend the Board again upon notice after Christmas.”

"Tuesday, February 17<sup>th</sup> 1735-6. • • • • Mr. Wilks, Capt. Tomlinson, Mr John Sharpe & several Merchants attend upon the Massachusetts Law to prevent the Currency of N. Hampshire Notes.—Wilks apprehends that should the Law be repealed the Trade will be ruined, because money of base value will be pour'd in upon them from all parts. Sandford says that N. England Bills are fallen in value. Tomlinson says that N. Hampshire Bills are equal value with N. England Bills, says there is an Association of the best people in the Province to be answerable for the whole sum which amounts to about £6000 sterling—All the Bills are not signed by the same Gentlemen—Act read—a list of the Association read.—Order'd Act to be repealed."

On the 17<sup>th</sup> of March following the date of the above meeting, the Lords of Trade drew up a report for the repeal of this chapter, which was agreed to on the 26<sup>th</sup> of the same month. This report was considered by the committee of the Privy Council, July 10, 1736, who, thereupon, ordered that the Lords of Trade "do consider of and lay before this Committee a state of the Paper Currency in those Provinces."—*i. e.* the four Colonies of New England.

The report of the Lords of Trade in obedience to this order is dated March 17, 1735-36; and on the 23<sup>d</sup> of September, 1736, the Board wrote to Belcher, that they had laid this act "before His Majesty for his disallowance." No further action upon this chapter has been discovered. The following is the report last referred to:—

"To the Right Hon<sup>ble</sup> the Lords of the Committee of His Majesty's most Hon<sup>ble</sup> Privy Council

My Lords, We have consider'd an Act passed in His Majesty's Province of the Massachusetts Bay in April 1735, referred to us by Your Lords on the 27<sup>th</sup> day of October last entitled *An Act to prevent the currency of certain Bills or Notes of Hand emitted by a Society or number of persons in the Province of New Hampshire.*

We have been attended upon this occasion by the Agents of the Provinces for the Massachusetts Bay and New Hampshire together with several Merchants concerned in the trade of those Countrys, and having heard what could be alledged on either side for the confirmation or disallowance of the Act in question, We take leave to represent to Your Lordships, That in the Province of New Hampshire there is very little money and but a small Paper Currency circulated by the authority of the Legislature.

To supply the want of other Money a set of Private men who according to our information are persons of the best Estates and Rank in New Hampshire have entered into an Association for issuing Promissory Notes or Bills bearing an interest of one p<sup>t</sup> cent p<sup>a</sup> annum which notes no man is obliged to accept in payment, having in themselves no currency in law, but are left to stand or fall according to the credit of the Signers, and may be taken or refused at pleasure.

It would therefore in our opinion be a great Hardship to set a publick mark of discredit upon the persons engaged in this undertaking, as well as a disservice to the Province of New Hampshire to prohibit by a law the circulation of these Bills, which may be of service to the said Province; for which reasons We would humbly propose to Your Lordships that this Act should be laid before His Majesty for his disallowance

We are My Lords Your Lordships most obedient and most humble Servants

FITZ-WALTER.  
T. PELHAM.  
ED. ASHE  
OR. BRIDGEMAN  
R. PLUMER

Whitehall March 17<sup>th</sup> 1735-6."—"N. E., B. T.," vol. 40, p. 159, in *Public Record Office.*



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ACTS,  
PASSED 1735-36.

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# ACTS

PASSED AT THE SESSION BEGUN AND HELD AT BOSTON  
ON THE TWENTY-EIGHTH DAY OF MAY, A.D. 1735.

## CHAPTER 1.

AN ACT FOR SUPPLYING THE TREASURY WITH THE SUM OF THIRTY-THREE THOUSAND TWO HUNDRED AND SIXTY-NINE POUNDS FOUR SHILLINGS AND EIGHTPENCE, BILLS OF CREDIT, AND FOR THE ISSUING THE SUM OF SEVEN THOUSAND NINE HUNDRED AND THIRTY-EIGHT POUNDS ELEVEN SHILLINGS, A SURPLUS NOW REMAINING IN THE HANDS OF THE TREASURER, FOR DISCHARGING THE PUBLICK DEBTS, &c., AND FOR ESTABLISHING THE WAGES OF SUNDRY PERSONS, &c., IN THE SERVICE OF THE PROVINCE; AND FOR THE MORE EASY AND EFFECTUAL DRAWING THE BILLS HEREBY EMITTED, INTO THE TREASURY AGAIN.

*Be it enacted by His Excellency the Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

[SECT. 1.] That the wages of the captain of Castle William shall be at the rate of twelve pounds fourteen shillings per month, from May the twenty-first, one thousand seven hundred and thirty-five, to May twentieth, seventeen hundred and thirty-six; of the lieutenant, for that term, seven pounds fourteen shillings per month; of the chaplain, six pounds three shillings per month; of the gunner, four pounds twelve shillings and fourpence per month; of the gunner's mate, four pounds per month; of the serjeant, two pounds thirteen shillings and fourpence per month; of six quarter-gunners, each, two pounds thirteen shillings and fourpence per month; of three corporals, two pounds eight shillings per month; of a drum[m]er, two pounds eight shillings per month; of thirty centinals, two pounds per month: for their subsist[e]nce, twelve shillings per week for each man.

Establishment  
of wages for  
Castle William.

*And be it further enacted by the authority aforesaid,*

[SECT. 2.] That the wages of the captain of the country's sloop from May twenty-first, one thousand seven hundred and thirty-five, to May twentieth, one thousand seven hundred and thirty-six, shall be at the rate of six pounds per month; of the mate, four pounds per month; three sailors, at three pounds per month; for the sloop, twenty pounds per month.

For the coun-  
try's sloop.

*And be it further enacted by the authority aforesaid,*

[SECT. 3.] That the wages of the captain of Richmond Fort, from May twenty-first, one thousand seven hundred and thirty-five, to May twentieth, one thousand seven hundred thirty-six, shall be at the rate of four pounds per month; of one lieutenant, two pounds thirteen shillings and fourpence per month; of one serj[e]ant, two pounds thirteen shillings and fourpence per month; of two corporals, two pounds eight

For Richmond  
Fort.

shillings per month; sixteen centinels, two pounds per month; of one armourer, six pounds per month; of one interpreter, six pounds per month; one truck-master, at one hundred and twenty pounds per annum, and for the chaplain there, one hundred pounds per annum.

*And be it further enacted by the authority aforesaid,*

For the truck-house on George's River.

[SECT. 4.] That the wages of the captain of the truck-house on George's River, from May twenty-first, seventeen hundred and thirty-five, to May twentieth, seventeen hundred and thirty-six, shall be at the rate of four pounds per month; of one lieutenant, two pounds thirteen shillings and fourpence per month; of one serj[e]ant, two pounds thirteen shillings and fourpence per month; of two corporals, each, two pounds eight shillings per month; of sixteen centinels, two pounds per month; of one armourer, six pounds per month; of one interpreter, six pounds per month; to the truck-master after the rate of one hundred and twenty pounds per annum; and to the chaplain, after the rate of one hundred pounds per annum.

*And be it further enacted by the authority aforesaid,*

For Frederick's Fort.

[SECT. 5.] That the wages of the captain at Frederick's Fort, from the twenty-first of May, one thousand seven hundred and thirty-five, to May twentieth, one thousand seven hundred and thirty-six, shall be at the rate of four pounds per month; of the lieutenant, two pounds thirteen shillings and fourpence per month; of the corporal, two pounds eight shillings per month; of fifteen centinels, each, two pounds per month.

*And be it further enacted by the authority aforesaid,*

For the truck-house at Saco.

[SECT. 6.] That the wages of the captain of the truck-house at Saco, from May twenty-first, one thousand seven hundred and thirty-five, to May twentieth, one thousand seven hundred and thirty-six, shall be at the rate of four pounds per month; of the lieutenant, two pounds thirteen shillings and fourpence per month; of the corporal, two pounds eight shillings per month; of thirteen centinels, two pounds per month; of an interpreter, six pounds per month; of one armourer, six pounds per month; of the truck-master, at the rate of one hundred pounds per annum.

*And be it further enacted by the authority aforesaid,*

For the fort at Brunswick.

[SECT. 7.] That the wages of the captain of the fort at Brunswick, from May twenty-first, seventeen hundred and thirty-five, to May twentieth, seventeen hundred and thirty-six, shall be at the rate of four pounds per month; of the lieutenant, two pounds thirteen shillings and fourpence per month; of one corporal, two pounds eight shillings per month; of thirteen centinels, two pounds per month.

*And be it further enacted by the authority aforesaid,*

For the block-house above Northfield.

[SECT. 8.] That the wages of the captain at the block-house, above Northfield, from May twenty-first, one thousand seven hundred and thirty-five, to May twentieth, one thousand seven hundred and thirty-six, shall be at the rate of four pounds per month; of the lieutenant, two pounds thirteen shillings and fourpence per month; of one serj[e]ant, two pounds thirteen shillings and fourpence per month; of one corporal, two pounds eight shillings per month; of sixteen centinels, each, two pounds per month; the truck-master, at the rate of one hundred pounds per annum; and the chaplain, at the rate of one hundred pounds per annum: for the subsistence of each, eight shillings per week.

*And be it further enacted by the authority aforesaid,*

Oath to be made to muster-rolls.

[SECT. 9.] That before the payment of any muster-roll allowed, oath shall be made by the officer or person presenting such roll, that the officers and so[u]ldiers born on said roll, have been in actual service for the whole time they stand ent[e]red thereon.

*And be it further enacted by the authority aforesaid.*

[SECT. 10.] That the treasurer be and hereby is impowered and directed to issue forth and emit the sum of thirty-three thousand two hundred and sixty-nine pounds four shillings and eightpence, in bills of credit of this province, now lying in his hands and received for taxes, impost, excise, &c., together with the sum of seven thousand nine hundred and thirty-eight pounds eleven shillings, still remaining in the treasurer's hands, being a ballance of several appropriations formerly made, which sum, with the aforesaid sum of thirty-three thousand two hundred and sixty-nine pounds four shillings and eightpence, amount in the whole to forty-one thousand two hundred and seven pounds fifteen shillings and eightpence; all which sums shall be employed for the necessary defence and support of this government, and for the protection and preservation of the inhabitants thereof; vizt., sixteen thousand three hundred and seventeen pounds fifteen shillings and eightpence, part thereof, shall be applied to pay the wages and other sums now due, or that may be due by virtue of the establishment of Castle William, the country's sloop, Richmond Fort, George's truck-house, Frederick's Fort, Saco truck-house, Brunswick Fort, and the block-house above Northfield; and fourteen thousand and five pounds more, part thereof, shall be appl[i]y[ed] for the payment of his majesty's council, and to pay such grants as are or shall be made by this court, and for the payment of stipends, bounties and premiums established by law; and also for such other matters and things which this court have or shall, either by law or orders, provide for the payment of, out of the publick treasury, and for no other purpose whatsoever; and seven thousand three hundred and eighty-five pounds, part thereof, shall be appl[i]y[ed] for the discharge of other debts owing from this province to persons who have served or shall serve them by order of this court, in such matters and things where there is no establishment, and paper, printing and writing for this court, the expences of committe[e]s of council, or of the house, or of both houses, entertainments of Indians, and presents made them by this court, the surgeons for Castle William, wooding Castle William, the truck-house at Saco, and Frederick's Fort, the treasurer's usual disbursements for forts, truck-houses, and the sloop in the country's service.

*And whereas* there are sometimes publick entertainments, and, from time to time, contingent and unforeseen charges that demand prompt payment,—

*Be it further enacted,*

[SECT. 11.] That five hundred pounds, part of the aforesaid forty-one thousand two hundred and seven pounds fifteen shillings and eight pence, be appl[y]i[ed] to defray and pay such entertainments and contingent charges, and for no other use whatsoever.

*And be it further enacted by the authority aforesaid,*

[SECT. 12.] That each of the members of his majesty's council, serving in the general court from the beginning of the session of the general court in May, one thousand seven hundred and thirty-five, unto the end of the session or sessions thereof, until May, one thousand seven hundred and thirty-six, shall be entitl[u]ed to ten shillings *per diem* in bills of credit, to be paid out of the publick treasury, upon warrant, according to the directions in the royal charter, certificate to be given by the secretary or his deputy of the number of days of such member's attendance and travel to and from the said court: twenty miles to be accounted a day's travel.

*And be it further enacted by the authority aforesaid,*

[SECT. 13.] That the sum of three thousand pounds, part of the aforesaid sum of forty-one thousand two hundred and seven pounds

£33,260 4s. and 8d. to be issued, together with £7,385 11s. in treasurer's hands.

The whole sum, £41,207 15s. 8d.

Appropriations —

£16,317 15s. 8d. for Castle William, the country's sloop, forts, truck-houses, &c.

£14,005 for the payment of the council, grants of court, &c.

£7,385 for the debts of the province where there is no establishment.

£500 for contingent charges that demand prompt payment.

£3,000 for representatives' attendance.

fifteen shillings and eightpence, be and hereby is appropriated and appl[i]y[ed] for the payment of the representatives serving in the general court, for the year current, who shall be entit[u]led to six shillings *per diem*, in bills of credit, to be paid out of the publick treasury upon warrant as aforesaid, certificate to be given by the clerk of the house of representatives of the number of days of such members' attendance and travel to and from said court: twenty miles to be accounted a day's travel.

And for a fund and security for drawing in such sum and sums as shall be paid out to the representatives of the several towns in manner as aforesaid,—

*Be it enacted,*

Fund for the  
representatives'  
money.

[SECT. 14.] That there be and hereby is granted unto his most excellent majesty, a tax of such sum or sums as shall be paid to the several representatives as aforesaid, to be levied and assessed on the polls and estates of the inhabitants of the several towns, according to what their respective representatives shall so receive, which sums shall be set on the said towns in the next province tax. And the assessors of the said towns shall make their assessment for this tax, and apportion the same according to the rule that shall be prescribed by act of the general assembly for assessing the next province tax; and the constables, in their several districts, shall pay in the same when they pay in the province tax for the next year, of which the treasurer is hereby directed to keep a distinct and separate accompt.

*And be it further enacted by the authority aforesaid,*

Surplusage to  
lie in the treas-  
ury.

[SECT. 15.] That if there be a surplusage in any sum appropriated, such surplusage shall lye in the treasury for the further order of this court.

*And be it further enacted by the authority aforesaid,*

Treasurer's and  
secretary's duty.

[SECT. 16.] That each and every warrant for drawing money out of the treasury, shall direct the treasurer to take the same out of such sums as are respectively appropriated for the payment of such publick debts as the draughts are made to discharge; and the treasurer is hereby directed and ordered to pay such money out of such appropriations as directed to, and no other, upon pain of refunding all such sum or sums as he shall otherwise pay, and to keep exact and distinct accompts of all payments made out of such appropriated sum; and that the secretary, to whom it belongs to keep the muster-rolls and accompts of charge, be directed to lay before the house all such muster-rolls and accompts, when desired, after payment thereof.

Funds.

And as a further fund and security for drawing the remaining part of the said sum of thirty-three thousand two hundred sixty-nine pounds four shillings and eightpence into the treasury again,—

*Be it enacted by the authority aforesaid,*

£10,080 14s. 10d.  
in 1736.

[SECT. 17.] That there be and hereby is granted unto his most excellent majesty, for the ends and uses aforesaid, a tax of ten thousand [and] eighty-nine pounds fourteen shillings and tenpence, to be levied on polls, and estates both real and personal, within this province, according to such rules, and in such proportions on the several towns and districts within the same, as shall be agreed upon and ordered by this court, at their session in May, one thousand seven hundred and thirty-six.

And as a further fund and security for drawing in the remaining part of the said sum of thirty-three thousand two hundred and sixty-nine pounds four shillings and eightpence into the treasury again,—

*Be it enacted by the authority aforesaid,*

£20,179 9s. 10d.  
in 1737.

[SECT. 18.] That there be and hereby is granted unto his most excellent majesty, for the ends and uses aforesaid, a tax of twenty



thousand one hundred [and] seventy-nine pounds nine shillings and ten[n]pence, to be levied on polls, and estates both real and personal, within this province, according to such rules, and in such proportion on the several towns and districts within the same, as shall be agreed upon and ordered by the great and general court or assembly, at their session in May, one thousand seven hundred and thirty-seven.

*And whereas*, through the scarcity of bills of credit, it may then be difficult for persons to convert the produce of their lands into bills, and pay their rates in them,—

*It is further ordered*,

[SECT. 19.] That the inhabitants of this province shall have liberty, if they see fit, to pay the several sums for which they respectively may, in pursuance of this act, be assessed, either in hemp, flax or bar[r]-iron, at such moderate rates and prices as the general assembly shall set them at, which species shall be received by the treasurer, of the several constables and collectors, and by him forthwith, or as soon as conveniently may be, disposed of to the best advantage by sale at vendue, for bills of credit of this province, for the calling in the said bills into the treasury; and if any loss shall happen by the sale of the aforesaid species, or any other unforeseen accident shall arise, such deficiency shall be made good by a tax of the next year following, so as fully and effectually to call in the sum of bills emitted as aforesaid. [*Passed and published July 3.*]

Liberty granted to the inhabitants to pay their assessments in hemp, flax or bar-iron, which is to be disposed of by the treasurer for province bills.

## CHAPTER 2.

AN ACT IN ADDITION TO AN ACT ENTITLED, "AN ACT FOR THE HEARING AND DETERMINING CASES IN EQUITY," MADE AND PASSED IN THE TENTH YEAR OF THE REIGN OF KING WILLIAM THE THIRD.

WHEREAS the conditions annexed unto bonds and other specialt[y][ie]s are sometimes for the payment of mon[ey][ie]s, or the performance of other matters and things at different times; and when, upon the first breach of such condition, the bond or specialty has been put in suit, it has been apprehended that the courts of justice, even in equity, can chancer such bonds or specialtys to so much only of the debt, or other collateral matter[s] to be performed, as is become due at the time of the action brought, whereby the obligee may meet with difficulty to recover his debt as it shall become due,—

*Be it enacted by His Excellency the Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

That when any action shall be brought and prosecuted on any bond or other specialty with penaltys for the payment of sums of money, performance of covenants, contracts, agreements, matters or things to be done at several times, and the pl[ain]t[iff] recover the forfeiture of such penalty, the court shall enter up judgment for the whole of such forfeiture, and award execution only for so much of the debt or damage as is due or sustained at that time: *so always* that the said judgment shall stand and be a security to the pl[ain]t[iff], his executors and administrators, for any further and after payments or damages he or they may have a just right to by the non-performance or breach of the covenants, contracts, agreements or things in such bonds or other specialt[y][ie]s contained; and may have a writ or writs of *scire facias* on said judgment, from such courts where the same was obtained, against the def[enden]t, his heirs, executors or administrators, suggest-

Preamble.  
1698, chap. 22.

Judgment to be made up for the whole penalty of bonds, where there are divers payments, &c.  
1 Mass., 11.

Writs of *scire facias* to be issued thereon from time to

time, as any-  
thing becomes  
due.

ing other and further damages sustained by the non-performance or breach of such covenants, contracts and agreements, and to summon him or them to shew cause why execution sh[oul]d not be awarded upon said judgment for other and further damages, as set forth in the writ, and made out to the court; upon which the said court shall proceed as aforesaid, and so *toties quoties*, or as often as such damages shall acer[u]e[w] and be sued for as aforesaid. [*Passed and published July 3.*]

## CHAPTER 3.

AN ACT FOR ALTERING THE PLACE OF HOLDING THE COURTS OF GENERAL SESSIONS OF THE PEACE AND INFERIOUR COURTS OF COMMON PLEAS WITHIN AND FOR THE COUNTY OF YORK.

For the better accommodation and conveniency of the county of York, and the business thereof,—

*Be it enacted by His Excellency the Governor, Council and Representatives in General Court assembled, and by the authority of the same,*

Inferior court  
and general ses-  
sions of the  
peace to sit at  
Falmouth, in  
October.  
1704-5, chap. 6.

[SECT. 1.] That the court of general sessions of the peace, and inferiour court of common pleas heretofore appointed to be held at York, for the county of York, on the first Tuesday of October, annually, shall hereafter be held at Falmouth, in said county, on the said first Tuesday in October, annually, until[1] this court shall otherwise appoint.

*Provided,*

Proviso.

[SECT. 2.] That all writs, suits, complaints, process, appeals, reviews, recognizances, or other matters or things whatsoever, which now are, or at any time before the said first Tuesday in October, shall be depending in the law in said county of York, and triable or to be heard at York on said first Tuesday in October, shall be tried, heard and determined at Falmouth; and shall not fail or be discontinued, but have the same day, and be valid and good to all intents and purposes in the law.

[SECT. 3.] And all officers and other persons are required to conform themselves hereto accordingly. [*Passed and published July 3.*]

## CHAPTER 4.

AN ACT FOR EMPLOYING AND PROVIDING FOR THE POOR [OF] [IN] THE TOWN OF BOSTON.

Preamble.

1692-3, chap. 28,  
§ 7.  
1699-1700, chap.  
8.  
1703-4, chap. 14.  
1730-31, chap. 3.

WHEREAS the town of Boston is grown considerably populous, and the idle and poor much increased among them, and the laws now [in] force relating to them, not so suitable to the circumstances of the said town, which are different from those of the other towns in the province; therefore,—

*Be it enacted by His Excellency the Governor, Council and Representatives in General Court assembled, and by the authority of the same,*

Twelve over-  
seers of the poor  
to be chosen in  
Boston, and  
twelve wards to  
be appointed.

[SECT. 1.] That from henceforth, at the anniversary town meeting in March, for the choice of town officers, the town of Boston are and shall be hereby impowered to chuse twelve overseers of the poor, who shall be chosen for twelve several wards, respectively, into which the

said town is or shall be divided, each overseer to have the more especial care of his particular ward, yet so as not to exclude the authority of any other overseer, as there may be occasion; which overseers shall visit their respective wards whensoever they may judge there is occasion, at least once in every month, and shall also, once in every month, assemble together to consider and determine of the most proper methods for the discharge of their office.

*And whereas* the poor of the said town may, upon the decay of trade, become still more numerous, and want means to employ and set[1] themselves to work in any settled or constant manner, or by ill habits become idle and slothful, and very burthensome to the town,—

*Be it enacted by the authority aforesaid,*

[SECT. 2.] That in such case, or whenever the said town of Boston shall, at a legal town meeting for that purpose duly warned, judge it necessary or convenient to erect, provide or endow an house for the reception and employment of the idle and poor of the said town, they, the said town, are and hereby shall be authorized and impow[er]red so to do, which house shall be under the regulation of the overseers of the poor, to be annually chosen as aforesaid, and erected, provided for, continued or discontinued, as the said town shall find or judge their circumstances require; and the said town are hereby authorized to make purchases and receive donations for endowing the said workhouse, to the value of three thousand pounds per annum, and to sue and be sued in all affairs of said house; the several donations to be always applied according to the will of the donors.

Preamble.

Town of Boston impowered to erect a work-house for the poor.

Overseers of the poor to regulate it.

The house may be endowed.

*And be it further enacted,*

[SECT. 3.] That the overseers of the poor of the town of Boston, for the time being, shall have the inspection, ordering and government of the said house, with power of appointing a master or masters, and one or more assistants, for the more immediate care and oversight of the persons received into or employed in said house, which overseers, at their mont[h]ly meetings, shall have power to make orders and by-laws for the better and more decent regulating the said house; which orders shall be binding till the next town meeting, to which they shall exhibit them, and when approved by the said town, at a legal meeting, shall be obligatory, until revoked by the said town.

Overseers to appoint the masters of the house.

Impowered to make by-laws, to be approved by the town.

*And be it enacted by the authority aforesaid,*

[SECT. 4.] That each one of the overseers aforesaid shall have power to send any idle and indigent person or persons to the said house, for entertainment and employment, for the space of twenty-four hours; and any two of the said overseers shall have power to continue or send to said house such person or persons, till discharged by the major part of said overseers at a monthly meeting; which person or persons the master or masters and assistants are hereby required to receive and employ accordingly.

Overseers to send idle and indigent persons to the workhouse.

*And whereas* there are sometimes persons rated to the publick taxes who are, notwithstanding, unable or negligent to provide necessaries[ie]s for the sustenance and support of their children,—

*Be it enacted,*

[SECT. 5.] That the overseers shall have the same power of binding out into good families, the children of such as where the parents are rated nothing: *provided*, such persons are not rated for their personal estate or faculty.

And to bind out the children of such as are not rated for their personal estate

*And forasmuch* as there is great negligence in sundry persons as to the instructing and educating their children, to the great scandal of the Christian name, and of dangerous consequence to the rising generation,—

And also such children as are not taught to read.

*Be it further enacted,*

[SECT. 6.] That where persons bring up their children in such gross ignorance that they do not know, or are not able to distinguish, the alphabet or twenty-four letters, at the age of six years, in such case the overseers of the poor are hereby impowered and directed to put or bind out into good families, such children, for a decent and Christian education, as when parents are indigent and rated nothing to the publick taxes, unless the children are judged incapable, through some inevitable infirmity.

*And inasmuch* as the division of the town of Boston into twelve wards, and assignation of each ward to the more immediate care of a particular overseer, will give the aforesaid overseers opportunity of a more exact knowledge of the town, and all intruders into it,—

*Be it enacted by the authority aforesaid,*

Overseers of the poor to warn intruders out of the town.

[SECT. 7.] That the aforesaid overseers of the poor in the town of Boston, be and they hereby are impowered to warn any and all intruders, or others who are not inhabitants, to depart the town; and in case of refusal or neglect, to proceed in the same manner, and with as full power as the selectmen of said town, by law, may or can; and the constables are hereby required to observe and yield ready obedience to the orders and directions of the overseers aforesaid, by virtue and in consequence of this act. [*Passed and published July 3.*]

## CHAPTER 5.

AN ACT DIRECTING HOW MEETINGS OF PROPRIETORS IN WHARVES, OR OTHER REAL ESTATE BESIDES LANDS, MAY BE CALLED.

Preamble.  
1694-5, chap. 15,  
§ 1.  
1726-27, chap. 15.

WHEREAS the laws of this province have impowered, not only the proprietors of common lands, but of any other estate or interest, to sue or be sued, but no direction being given how a meeting of such proprietors may be called; *and whereas* by reason of the death or refusal of any or the major part of the committee impowered to call meetings of proprietors in wharves or other real estates, the said proprietors may be under difficulties; for remedying the same,—

*Be it enacted by His Excellency the Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

A justice of the peace to call a meeting of proprietors of wharves, upon application.  
3 Gray, 173.  
13 Allen, 543.

[SECT. 1.] That when and so often as five or more of the proprietors in any wharves, or other real estate or interest whatsoever, shall judge a proprietors' meeting necessary, and shall make application to a justice of the peace within the county where such real estate or interest lies, such justice is hereby impowered to grant a warrant for such meeting, directed to one of the proprietors asking the same, requiring him to notif[y][ic] the proprietors, of the meeting and the time and place for the same; which notification shall be in writing, posted up in some publick place within the town where such estate lies, fourteen days before the time appointed for such meeting; and such and so many of the proprietors as shall assemble and meet together, accordingly, shall have power, by a major vote of the proprietors present, to chuse a clerk to enter all votes and orders that shall, from time to time, be made at such meetings, and shall be sworn to the faithful discharge of his office, and agree upon any other method of calling meetings; also to chuse a committee for managing the affairs of the propriety; and also to pass all orders and rules for the further managing, improving and ordering



such estate or interest, as they shall agree, the voices always to be collected according to the interest where the same is known; and no other affair to be acted at such meeting, but what is express'd in the warrant and notification of such meeting.

*And be it further enacted,*

[SECT. 2.] That when it shall happen suit shall be brought against any proprietors in any real estate besides lands, the plaintiff bringing forward such suit, shall cause the clerk of such propriety, or some principal proprietor in such estate, to be served with a copy of the writ or summons, at least thirty days before the day of the sitting of the court to which the same shall be returnable. [*Passed and published July 3.*]

When suit is brought against the proprietors, the clerk to be served.

## CHAPTER 6.

AN ACT TO SUBJECT THE UNIMPROVED LANDS WITHIN THIS PROVINCE TO BE SOLD FOR PAYMENT OF TAXES ASSESSED ON THEM, BY ORDER OF THE GREAT AND GENERAL COURT, AND VOTES AND AGREEMENTS OF THE PROPRIETORS THEREOF.

WHEREAS it frequently happens that the proprietors of unimproved lands, within the several towns, precincts, new plantations and proprieties of this province, neglect or delay to pay their proportions of the sums from time to time assessed on such lands by order of the great and general court, and according to their own agreements, towards defraying the publick charges arising within such towns, precincts, new plantations and proprieties,—

Preamble.

*Be it therefore enacted by His Excellency the Governor, Council and Representatives in General Court assembled, and by the authority of the same,*

[SECT. 1.] That if the assessors of any of the towns, precincts, new plantations or propriet[ie][y]s within this province, have, or at any time to come, shall, pursuant to the direction or orders of the general court, levy or assess a tax upon the unimproved lands of the proprietors, situate in any of the towns within this province, for defraying the publick charges arising in the said towns, precincts, new plantations or proprieties; or if the assessors chosen by the proprietors of the common and undivided land in any of the towns or new plantations within this province, pursuant to the votes and agreements of such propriety, have or shall levy or assess a tax upon such proprietors by them thought necessary to carry on and prosecute any actions or suits that may be brought by or against them, or for the carrying on and managing of any other publick affair relating to such proprietors, or performance of the conditions of their grant, respectively, and such proprietors shall neglect or delay to pay to the collector or collectors the sums from time to time levied or assessed upon their lands as aforesaid, for sixty days after such assessment is made, and published by posting up the same in the town or precinct where such land l[i][y]es, and in the shire town of the county, that then and in such case it shall and may be lawful for such assessors, respectively, to post up in some publick place or places in the town or precinct where the lands lye, notifications of the intended sale of so much and no more, of such delinquent proprietors' land or common rights, as they shall think necessary to pay and satisf[y][ie] such rates and taxes and other necessary intervening charges, three months before the same be sold; and also the assessors shall be obliged, for the notification of the non-resident proprietors, to advertise in the publick prints three several weeks, the intended sale, at least

Proprietors' lands to be sold upon their not paying assessments.

Notification to be given of the sale.



three months before the land be sold; and if any delinquent proprietors do not by that time pay such rates or assessments and charges, then and in such case it shall and may be lawful for the assessors, at a public vendue, to sell and execute absolute deeds in the law for the conveyance of such lands of the proprietors, to the person or persons who will give most for the same; which deeds shall be good and valid, to all intents and purposes in the law, for conveying such estates to the grantees, their heirs and assigns for ever.

[SECT. 2.] And if the said lands be sold for more, then the overplus, after all charges arising about the same are subducted, to be paid to such delinquent proprietors or their order; the money w<sup>h</sup>ich the said lands shall be sold for, to be lodged in the hands of the treasurers of the respective towns, precincts or proprietries who are hereby directed to attend the orders of the assessors of such towns, precincts or proprietries for payment of the same, pursuant to the true intent and meaning of this act; reserving to such non-resident proprietors as are not inhabitants of this province, their heirs or assigns, a liberty for redemption of their lands so sold, they paying to the grantees or their heirs, respectively, within one year afterwards, the sums for which the said lands were sold, with double damages until [1] the same be redeemed.

[SECT. 3.] This act to continue and be in force for the space of seven years from the publication, and no longer. [*Passed and published July 3.*]

## CHAPTER 7.

### AN ACT FOR THE EASE OF PRISONERS FOR DEBT.

Preamble.  
1730, chap. 4.

FORASMUCH as, in divers counties within this province, the prisons are so small that, when there are any number of prisoners, there are not rooms or apartments sufficient for the receiving and securing of them, without lodging felons and other criminals, and prisoners for debt, together in one and the same room; which ought not to be,—

*Be it therefore declared and enacted by His Excellency the Governor, Council and Representatives in General Court assembled, and by the authority of the same,*

Prisons to have  
apartments for  
prisoners for  
debt.

[SECT. 1.] That in the several counties within this province, the prisons that are or shall be erected within the said counties, shall be made so large as that there may and shall be sufficient and convenient apartments for the receiving and lodging of prisoners for debt, sep<sup>a</sup>rate and distinct from felons and other criminals.

*And be it further enacted by the authority aforesaid,*

Prisoners for  
debt allowed to  
lodge in the  
prison-keeper's  
house.

[SECT. 2.] That any person imprisoned for debt, either upon mean process or execution, shall be permitted and allowed to have a chamber and lodging in any of the houses or apartments belonging to such prisons, and liberty of the yard within the same, in the day time, but not to pass without the limits of the prison, upon reasonable payment to be made for chamber room, not exceeding one shilling and sixpence per week, such prisoner giving bond to the sheriff, with two sufficient sureties, being freeholders, bound jointly and severally in double the sum for which he is imprisoned, with the condition underwritten in form following; vizt.,—

Recognizance.

That if the above-bounden A. B., now prisoner in his majesty's prison in B., within the county of S., at the suit of C. D., do and shall from henceforth continue and be a true prisoner in the custody, guard and safe keeping of J. S., keeper of

the same prison, and in the custody, guard and safe keeping of his deputy, officers and servants, or some or one of them, within the limits of the said prison, until [1] he shall be lawfully discharged, without committing any manner of escape or escapes during the time of his restraint, then this present obligation to be void, or else to abide in full force and vertue.

[SECT. 3.] And in case of an escape, the whole penalty of such bond shall be to and for the use of the creditor; and such bond shall be transferred and assigned over to [to] the creditor, by the sheriff, with full power to enable him to put the same in suit; and the creditor shall recover the whole sum therein expressed, and the court shall make up judgment accordingly; and the sheriff delivering up such bond to the creditor, so assigned as aforesaid, shall not be liable to any action of escape for any prisoner enlarged upon security given in manner as aforesaid.

Upon prisoner's escape, bond to be assigned to the creditor.

*Provided, always,*

[SECT. 4.] That the sureties be approved as sufficient, by the justices of that court before whom the cause upon such commitment is to be tried, or from whence execution issued, or any two of them, or by two justices of the county, *quorum unus*, where the debtor is imprisoned; and no other suret[*y*][*ie*] to be accepted.

Proviso.

[SECT. 5.] This act to commence on the seventh day of October next, and shall continue and be in force for the space of five years, and from thence to the end of the next session of the general court, and no longer. [*Passed and published July 3.*]

Limitation.

## CHAPTER 8.

AN ACT IN FURTHER ADDITION TO, AND EXPLANATION OF, THE ACT, INTITLED, "AN ACT FOR REGULATING TOWNSHIPS, CHOICE OF TOWN OFFICERS," &c.

WHEREAS in and by an act made in the fourth year of the reign of King William and Queen Mary, intituled, "An Act for regulating of townships, choice of town officers and setting forth their power," the freeholders and inhabitants of each town, who are rateable at twenty pounds estate to one single rate besides the poll, are impowered to assemble and to give their votes in the choice of town officers in the month of March, annually; but no rule of valuation is therein prescribed, whereby such estate, qualifying to vote as aforesaid, shall be estimated, nor is it declared whether the like estate shall qualify a voter in other town affairs; and there being no law of this province expressly setting forth and ascertaining the qualification[s] of voters in precincts and parishes, by reason of which very many doubts and controversies have arisen; for prevention whereof for the future.—

Preamble.

*Be it enacted by His Excellency the Governour, Council and Representatives in General Court assembled, and by the authority of the same.*

[SECT. 1.] That henceforward no person shall be deemed duly qualified or be admitted to vote in the choice of officers, or in the other affairs to be transacted at any meeting of the town, precinct or parish where he dwells, but such only who have a rateable estate in such town or district (besides the poll) amounting to the value of twenty pounds, by the following method of estimation; vizt., real estate to be set at so much only as the rents or income thereof for the space of six years would amount to, were it let at a reasonable rate; [*and*] personal estate and faculty to be estimated according to the rule of valuation

1692-3, chap. 28.  
1734-35, chap. 7.

Qualifications of voters, in the choice of town and precinct officers.

prescribed in the act from time to time made for apportioning and assessing the publick taxes.

*And be it further enacted by the authority aforesaid,*

Method of determining any dispute about qualifications.

[SECT. 2.] That when any dispute shall arise respecting the qualification of any person offering his vote in any such publick meeting, the same shall be determined by the moderator of such meeting, according to the list and valuation, of estates and faculties of persons in such town or district, last made by assessors under oath; and if it thereby appear that such person is not qualified as by this act is provided, his vote shall not be received.

*Provided,*

In case the dispute arise before the moderator is chosen.

[SECT. 3.] That when such dispute shall happen to arise before a moderator shall be chosen, in such case the major part of the selectmen then present, or of the precinct or parish committee, shall determine the same in manner as aforesaid; and the assessors of each town and district are hereby required to lodge with the clerk of their respective towns and districts an attested copy of such their list and valuation, from year to year, which he shall produce for the purpose aforesaid, as there shall be occasion.

*And whereas* several towns in the province do not give in an exact account of their rateable estate, and so the assessors are obliged to doom the inhabitants according to the best of their skill and judgment, whereby the qualification of voters in such places may be more difficult to come at; wherefore,—

*Be it enacted by the authority aforesaid,*

In case where the lists of estates is not taken.

[SECT. 4.] That where a full invoice or list of the rateable estates in any town or district is not taken, and the assessors, on oath, do doom the inhabitants, those persons only shall be allowed to vote who are rated two third parts so much for their estates and faculties, as for one single poll in the last tax of such town or district respectively.

*Provided, always,*

Proviso.

[SECT. 5.] That nothing in this act shall be interpreted to exclude any person from the privilege of voting in the choice of representatives, who are duly qualified therefor according to the royal charter.

Limitation.

[SECT. 6.] This act to continue for the space of three years and no longer. [*Passed and published July 3.*]

## CHAPTER 9.

AN ACT IN EXPLANATION OF, AND FURTHER ADDITION TO, THE "ACT FOR MAKING LANDS AND TENEMENTS LIABLE TO THE PAYMENT OF DEBTS."

Preamble.  
1696, chap. 10.

WHEREAS some doubt has arisen whether the right which the mortgager hath, in equity, to redeem such land as he has mortgaged, may be legally taken by *capias* or attachment, upon mean process, or by execution, for satisfying or paying the debts of the mortgager; for removing whereof,—

*Be it enacted by His Excellency the Governor, Council and Representatives in General Court assembled, and by the authority of the same,*

Rights of redeeming mortgages liable to be taken by the creditor of the mortgagor.

[SECT. 1.] That such rights in equity, of redeeming mortgaged lands, heretofore have legally been, now are, and hereafter shall be liable to be taken by *capias* or attachment, upon mean process, and by execution upon judgment recovered, for the payment of the just debts of the mortgager; and the person at whose suit the said right by equity of redeeming such mortgaged lands, is taken in execution, shall have the same and as full and ample right and power of redeeming such

lands, as the mortgager himself had or ought to have; and an acknowledgement of satisfaction in the margin of the record of such mortgages, by the mortgagee or his heirs, shall be as sufficient a discharge thereof, to the creditor who hath redeemed or shall hereafter redeem the same, or to his heirs, as it would have been to the mortgager himself, or his heirs: *provided*, that if the said right shall, by apprizement in due form of law, happen to exceed the sum to be levied, with the necessary charges, the overplus shall be paid by the creditor to the debtor within three months after levying the execution, or publication of this act.

*Provided, also,—*

*And be it further enacted by the authority aforesaid,*

[SECT. 2.] That all executions that shall hereafter be levied on lands or tenements, and the proceedings thereon, shall, at the charge of the creditor, within three months after such levying, be entred in the office of the register of deeds for the county where such lands l[i][y]e.

*And it is further provided and enacted,*

[SECT. 3.] That the debtor, whose right in equity as aforesaid is taken by execution as aforesaid, shall have liberty, for the space of one year next after levying such execution, of redeeming such his right, by paying the full sum levied by execution on such right, with lawful[i] interest, and all charges arising thereon, and such other sum or sums as the creditor, at whose suit the execution was levied, shall have paid to the person or persons to whom it was before mortgaged, or to the mortgager himself.

*And it is further enacted,*

[SECT. 4.] That such person or persons, at whose suit such lands or right by equity of redeeming any mortgaged lands, have been, are, or shall be taken by execution as aforesaid, shall be as legally and fully entitled to the said lands, or right of redeeming the mortgage or mortgages thereof, as the original mortgager, at the time of levying the execution, was; and the said lands, or right of redeeming the same, shall be and remain to the said creditor, and his heirs and assigns, forever, unless redeemed by the mortgager within one year, as aforesaid.

*[Passed and published July 3.]*

Overplus to be returned and paid to the debtor.

Executions hereon to be entered in the registry of deeds.

15 MASS., 201.  
3 PICK., 334.

Debtor allowed a year to redeem his right.

Creditor to have a good title to the land.

## CHAPTER 10.

### AN ACT FOR DIVIDING THE TOWN OF CONCORD, AND ERECTING A NEW TOWN THERE BY THE NAME OF ACTON.

WHEREAS the inhabitants and proprietors of the north-westerly part of Concord, in the county of Middlesex, called "The Village," or "New Grant," have represented to this court that they labour under great difficulties by reason of their remoteness from the place of public worship, and therefore desired that they and their estates, together with the farms called Willard's Farms, may be set off a distinct and sep[a][c]rate township, for which they have also obtained the consent of the town of Concord,—

Preamble.

*Be it therefore enacted by His Excellency the Governor, Council and Representatives in General Court assembled, and by the authority of the same,*

[SECT. 1.] That the said north-westerly part of Concord, together with the said farms, be and hereby are set off, constituted and erected into a distinct and sep[a][c]rate township, by the name of Acton, and agre[e]able to the following boundaries; namely, beginning at the south-west corner of Concord old bounds, then, south-westerly, on Sudbury

A new town constituted, by the name of Acton.

Bounds of said town described.

and Stow lines, till it comes to the south-west corner of Concord village ; then, north-westerly, by Stow line, till it comes to Littleton line ; then bounded, northerly, by Littleton, Westford and Chelmsford ; then, easterly, by Billerica line, till it comes to the north-east corner of Concord old bounds ; then, easterly, by Concord old bounds.

[SECT. 2.] And that the inhabitants of the lands before described and bounded, be and hereby are vested with all the powers, privileges and immunities that the inhabitants of the other towns within this province are or by law ought to be vested with.

*Provided,*

Proviso.

[SECT. 3.] That the inhabitants of the said town of Acton do, within the space of three years from the publication of this act, erect and finish a suitable house for the publick worship of God, and procure and settle a learned, orthodox minister, of good conversation, and make provision for his comfortable and honourable support.

*Provided, also,—*

*And be it further enacted,*

Proviso.

[SECT. 4.] That the inhabitants of the said town of Acton shall be liable and subject, notwithstanding their being set[t] off and constituted a township as aforesaid, to pay their proportion of all province and county rates, for this present year, in the town of Concord, and shall be accordingly assessed in the same manner they would have been if this act had never been made. [*Passed and published July 3.*]

## CHAPTER 11.

AN ACT FOR DIVIDING THE TOWNS OF MENDON, SUTTON, UXBRIDGE AND HOPKINTON, AND ERECTING A NEW TOWN IN THE COUNTY OF WORCESTER, BY THE NAME OF UPTON.

Preamble.

WHEREAS the out-lands of the several towns of Mendon, Sutton, Uxbridge and Hopkinton are competently filled with inhabitants, who labour under difficulties by reason of their remoteness from the places of publick worship in the said towns, and have thereupon addressed this court that they may be set off a distinct and sep[arate] township, and vested with all the powers and privileges that other towns in this province are vested with,—

*Be it therefore enacted by His Excellency the Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

The bounds of a new town described.

[SECT. 1.] That all the out-lands of the aforesaid towns of Mendon, Sutton, Uxbridge and Hopkinton, comprised within the following bounds, containing in the whole, twelve thousand nine hundred and forty-three acres, together with one hundred and fifty-one acres, taken off [from] Mr. John Rockwood's farm, bounded as follows ; vizt., beginning at a pine tree, being the south-east corner of Grafton, and from thence, extending north, bounding west on Grafton, till it comes to the north-east corner thereof ; and from thence, bounding by Westborough line till it meets with Hopkinton line ; from thence, extending southerly, two hundred and twelve perch in the bounds between Sutton and Hopkinton ; from thence, south, nine degrees east, four hundred and ninety perch, to a stake and heap of stones ; from thence, south, thirty-one degrees and thirty minutes east, one hundred and forty perch ; from thence, south, sixty-one degrees and thirty minutes east, two hundred perch, to a heap of stones at Haven-Meadow ; from thence, easterly, one hundred [and] thirty-four perch, to the north end of a pond called



North-Pond, and then, bounding easterly on said pond, till it comes to the place where the Mill River runs out of said pond; and then, bounding by said river, till it comes to a wading-place called Peck's Wading-place, above the lower North Meadow; from thence, south, thirty degrees and thirty minutes west, two hundred seventy-four perch; from thence, south, forty degrees west, ninety perch, to Tyler's Lane, *alias* Marlborough Road; from thence, south, fifty-five degrees west, four hundred perch, to Uxbridge, where Uxbridge and Mendon meet; then, bounding by Misco-Hill Brook, till it meets with West River, so called; then runs north, twenty-five degrees west, one thousand and twenty-two perch, on Uxbridge line, to a heap of stones at Hazeltine's goat pasture; from thence, northerly, to a pine tree; thence, easterly, to a stake in a meadow; and thence, north, twenty-five degrees and thirty minutes west, one hundred and seventy perch, to Grafton south line; and then, bounding northerly on Grafton, one hundred and ninety-six perch, to the bounds first mentioned; be and hereby are set off a distinct and sep[arate] township, by the name of Upton.

The said town  
named Upton.

[SECT. 2.] And that the inhabitants thereof be and hereby are vested with all the powers, privile[ges] and immunities that the other towns in this province are or ought by law to be vested with.

*Provided,*

[SECT. 3.] That the whole of Mr. Nathan Tyler's farm be and hereby is excluded out of the abovesaid township, and be and forever remain to the town of Mendon as heretofore.

Proviso.

*Provided, also,*

[SECT. 4.] That the inhabitants of the said town of Upton do, within three years, build a suitable and convenient house for the publick worship of God, and settle a learned, orthodox minister, and provide for his comfortable and honourable support. [*Passed and published June 14.*]

Proviso.

## CHAPTER 12.

### AN ACT FOR GRANTING UNTO HIS MAJESTY SEVERAL RATES AND DUTYS OF IMPOST AND TUNNAGE OF SHIPPING.

WE, his majesty's most loyal and dutiful subjects, the representatives of his majesty's province of the Massachusetts Bay in New England, considering the necessity of calling in the sum of forty-three thousand five hundred and twenty-five pounds granted to his late majesty, King George, at the several sessions in the years one thousand seven hundred and twenty-two, and one thousand seven hundred and twenty-seven; to his present majesty, one thousand seven hundred and thirty-three, and one thousand seven hundred and thirty-four, and one thousand seven hundred and thirty-five,—to be levied and collected in this present year,—have cheerfully and unanimously given and granted, and do hereby give and grant, unto his most excellent majesty, to the ends, uses and intents aforesaid, and for no other use, the several dutys of impost upon wines, liquors, goods, wares and merchandize that shall be imported into this province, and tunnage of shipping, hereafter mentioned, for calling in the sum of forty-three thousand five hundred and twenty-five pounds; and pray that it may be enacted,—

*And be it accordingly enacted by His Excellency the Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

[SECT. 1.] That from and after the twenty-ninth day of June, instant, there shall be paid by the importer of all wines, liquors, goods, wares

and merchandizes that shall be imported into this province from the place of their growth (salt, cotton-wooll, provisions and every other thing of the growth and produce of New England excepted), the several rates or duties of impost following; viz<sup>t</sup>,—

For every pipe of wine of the Western Islands, thirty shillings.

For every pipe of Canary, forty-five shillings.

For every pipe of Madera, thirty-five shillings.

For every pipe of other sorts, not mentioned, thirty-five shillings.

For every hogshead of rum containing one hundred gallons, thirty shillings.

For every hogshead of sugar, two shillings.

For every hogshead of molasses, one shilling.

For every hogshead of tobacco, seventy shillings.

For every tun of logwood, six shillings.

And so, proportionably, for greater or lesser quantities.

And all other commodities, goods or merchandize not mentioned or excepted, threepence for every twenty shillings' value: all goods imported from Great Britain excepted.

*And whereas* many strangers and foreigners have, of late years, reaped great gain and profit by bringing into this province considerable quantities of foreign molasses and rum on their own accounts, whereby much of the trade that was formerly carried on with considerable profit by the inhabitants of this province, altho with the paying very high charges for permission, &c., in their islands, is, in a great measure, if not wholly, prevented; wherefore, in order to the subjecting such foreigners' goods to a higher duty,—

*Be it enacted by the authority aforesaid,*

[SECT. 2.] That all such molasses and rum that belongs to foreigners shall pay the following duty; viz<sup>t</sup>,—

For every hogshead of molasses, five shillings; for every hogshead of rum, six pounds.

And, for preventing the colouring of such foreigners' goods under the names of any merchants or others inhabiting this province,—

*Be it enacted by the authority aforesaid,*

[SECT. 3.] That when any such goods are imported into this province, that may reasonably be supposed to come from any of the said foreign plantations, and are said to be consigned to some of the inhabitants of this province, or British subjects, such person to whom the same is consigned shall make oath before the commissioner of impost, in the following words; viz<sup>t</sup>,—

You, A. B., do swear that the goods imported in the ship or vessel ( ), and consigned you, did actually and truly come upon the sole proper account and risk, and are, *bona fide*, the goods and estate of yourself, or some other of his majesty's British subjects; and that no foreigner, directly or indirectly, is in any ways interested or concerned in the same, or is ever to have any share or part in the same, that you know of; nor is this consignment made to you under colour or pretext to prevent the paying the duties of the same. So help you God.

[SECT. 4.] And, for any of the above wines, liquors, goods, wares, merchandize, &c., that shall be imported into this province, &c., from any other port than the places of their growth and produce, there shall be paid by the importer double the value of impost appointed by this act to be received for every species abovementioned, unless they do, *bona fide*, belong to the inhabitants of this province, and came upon their risk from the port of their growth and produce.

*And be it further enacted by the authority aforesaid,*

[SECT. 5.] That the aforesaid imposts, rates and duties shall be paid in current money, or in bills of credit of this province, by the im-

porter of any wines, liquors, goods or merchandize, unto the commissioner to be appointed as is hereinafter to be directed, on entring and receiving the same, at or before the landing of any wines, liquors, good or merchandizes: *only* the commissioner or receiver is hereby allowed to give credit to such person or persons where his or their duty of impost, in one ship or vessel, doth exceed the sum of ten pounds; and in case where the commissioner or receiver shall give credit, he shall settle and ballance his accompts with every person, so that the same accompts may be ready to be presented to this court in May next. And all entrys, where the impost or duty to be paid doth not exceed four shillings, shall be made without charge to the importer; and not more than sixpence to be paid for any other single entry, to what value soever.

*And be it further enacted by the authority aforesaid,*

[SECT. 6.] That all masters of ships or other vessels, coming into any harbour or port within this province, from beyond sea or from any other province or colony, before bulk be broken, and within twenty-four hours after his arrival at such harbour or port, shall make a report to the commissioner or receiver of the impost, to be appointed as is hereinafter mentioned, of the contents of the lading of such ship or vessel, without any charge or fee to be demanded or paid for the same; which report s<sup>d</sup> master shall give in to the commissioner or receiver, under his hand, and shall therein set down and express the quantities and species of the wines, liquors, goods and merchandizes laden on such ship or vessel, with the marks and numbers thereof, and to whom the same is consigned; and also make oath that the said report or manifest of the contents of his lading, so to be by him given in under his hand, as aforesaid, contains a just and true accompt, to the best of his knowledge, of the whole lading taken on board and imported in the said vessel from the port or ports such vessel came from, and that he hath not broken bulk, nor delivered any of the wines, rum or other distill'd liquors or merchandizes, laden on said ship or vessel, directly or indirectly, and if he shall know of any more wines, liquors, goods or merchandize to be imported therein, before the landing thereof he will cause it to be added to his manifest; which manifest shall be agreeable to a printed form made for that purpose, which is to be filled up by the said commissioner or receiver, according to each particular person's entry; which oath the commissioner or receiver is hereby empowered to administer: after which such master may unload, and not before, on pain of one hundred pounds to be forfeited and paid by each master that shall neglect his duty on this behalf.

*And be it further enacted by the authority aforesaid,*

[SECT. 7.] That all merchants, factors and other persons, importers, being owners of or having any of the wines, liquors, goods and merchandizes consigned to them, that by this act are lyable to pay impost or duty, shall, by themselves or order, make entry thereof in writing, under their hands, with the said commissioner or receiver, and produce unto him the original invoice of all such goods as pay *ad valorem*, and make oath thereto in manner following:—

You, A. B., do swear that the entry of the goods and merchandize by you now made, contains the true value, agreeable to the invoice herewith exhibited; and that, according to your best skill and judgment, it is not less than the real value thereof. So help you God.

—which above oath the commissioner or receiver is hereby empowered to administer; and they shall pay the duty and impost by this act required, before such wines, liquors, goods, wares or merchandizes be landed or taken out of the vessel in which the same shall be imported, on pain of forfeiting all such wines, liquors, goods, wares or

merchandizes so landed or taken out of the vessel in which the same shall be imported.

[SECT. 8.] And no wines, liquors, goods, wares or merchandizes that by this act are lyable to pay impost or duty, shall be landed on any wharf, or into any warehouse or other place, but in the daytime only, and and that after sunrise and before sunset, unless in the presence and with the consent of the commissioner or receiver, on pain of forfeiting all such wines, liquors, goods, wares and merchandizes, and the lighter, boat or vessel out of which the same shall be landed or put into any warehouse or other place.

[SECT. 9.] And if any person or persons shall not have and produce an invoice of the quantities of rum or liquors to him or them consigned, then the cask wherein the same is, shall be gaged at the charge of the importer, that the quantitys thereof may be known.

*And be it further enacted by the authority aforesaid,*

[SECT. 10.] That every merchant or other person importing any wines into this province, shall be allowed twelve per cent for leakage: *provided* such wines have not been filled up on board; and that every hogshhead, butt or pipe of wine that hath two third parts thereof leaked out, shall be accounted for outs, and the merchant or importer to pay no duty or impost for the same. And no master of any ship or vessel shall suffer any wines to be filled up on board without giving a certificate of the quantity so filled up, under his hand, before the landing thereof, to the commissioner or receiver of impost for such port, on pain of forfeiting the sum of fifty pounds.

[SECT. 11.] And if it be made to appear that any wines imported in any ship or vessel be decayed at the time of unlading thereof, or in twenty days afterwards, oath being made before the commissioner or receiver that the same hath not been landed above that time, the duties and impost paid for such wines shall be repayed unto the importer thereof.

*And be it further enacted by the authority aforesaid,*

[SECT. 12.] That the master of any ship or vessel importing any wines, liquors, goods, wares or merchandize, shall be lyable to and shall pay the impost for such and so much thereof, contained in his manifest, as shall not be duly entred, nor the duty paid for the same, by the person or persons to whom such wines, liquors, goods, wares or merchandize are or shall be consigned. And it shall and may be lawful to and for the master of every ship or other vessel to secure and detain in his hands, at the owner's risk, all such wines, liquors, goods, wares or merchandize imported in any ship or vessel, until he shall receive a certificate, from the commissioner or receiver of the impost, that the duty for the same is paid, and until he be repaid his necessary charges in securing the same; or such master may deliver such wines, liquors, goods, wares or merchandize as are not entred, into the commissioner or receiver of impost in such port, or his order, who is hereby empowered and directed to receive and keep the same, at the owner's risk, until the impost thereof, with the charges, be paid; and then to deliver such wines, liquors, goods, wares or merchandize as such masters shall direct.

*And be it further enacted by the authority aforesaid,*

[SECT. 13.] That the commissioner or receiver of the impost in each port, shall be and hereby is empowered to sue the master of any ship or vessel, for the impost or duty for so much of the lading of any wines, liquors, goods, wares or merchandizes imported therein, according to the manifest to be by him given upon oath, as aforesaid, as shall remain not entred and the duty of impost thereof not paid. And where any goods, wares or merchandizes are such as that the value thereof is



not known, whereby the impost to be recovered of the master, for the same, cannot be ascertained. the owner or person to whom such goods, wares or merchandizes are or shall be consigned, shall be summoned to appear as an evidence at the court where suit for the impost and duty thereof shall be brought, and be there required to make oath to the value of such goods, wares and merchandizes.

*And be it further enacted by the authority aforesaid,*

[SECT. 14.] That the ship or vessel, with her tackle, apparel and furniture, the master of which shall make default in anything by this act required to be performed by him, shall be lyable to answer and make good the sum or sums forfeited by such master, according to this act, for any such default, as also to make good the impost or duty for any wines, liquors, goods, wares and merchandizes not entred as aforesaid; and, upon judgment recovered against such master, the said ship or vessel, withso much of the tackle or appurtenances thereof as shall be sufficient to satisfy said judgment, may be taken in execution for the same; and the commissioner or receiver of the impost is hereby impowered to make seizure of such ship or vessel, and detain the same under seizure until judgment be given in any suit to be commenced and prosecuted for any of the said forfeitures or impost; to the intent that if judgment be rendered for the prosecutor or informer, such ship or vessel and appurtenances may be exposed to sale for satisfaction thereof, as is before provided: *unless* the owners, or some on their behalf, for the releasing such ship or vessel from under seizure or restraint, shall give sufficient security to the commissioner or receiver of impost that seized the same, to respond and satisfy the sum or value of the forfeiture and duties, with charges, that shall be recovered against the master thereof, upon suit to be brought for the same, as aforesaid; and the master occasioning such loss and damage unto his owners, through his default or neglect, shall be lyable unto their action for the same.

*And be it further enacted,*

[SECT. 15.] That the naval officer within any of the ports of this province, shall not clear or give passes to any master of any ship or other vessel, outward bound, until he shall be certified by the commissioner or receiver of the impost, that the duties and impost for the goods last imported in such ship or vessel are paid or secured to be paid.

[SECT. 16.] And the commissioner or receiver of the impost is hereby impowered to allow bills of store, to the master of any ship or vessel importing any wines or liquors, for such private adventures as shall belong to the master or seaman of such ship or other vessel, at the discretion of the commissioner or receiver, not exceeding three per cent of the lading; and the duties payable by this act for such wines or liquors, in such bills of store mentioned and expressed, shall be abated.

*And be it further enacted by the authority aforesaid,*

[SECT. 17.] That all penalties, fines and forfeitures accruing and arising by virtue of this act shall be one half to his majesty for the uses and intents for which the aforementioned duties of impost are granted, and the other half to him or them that shall seize, inform and sue for the same by action, bill, plaint or information in any of his majesty's courts of record, wherein no essoign, protection or wager of law shall be allowed: the whole charge of prosecution to be taken out of the half belonging to the informer.

*And be it further enacted by the authority aforesaid,*

[SECT. 18.] That there shall be paid by the master of every ship or other vessel, coming into any port or ports in this province to trade or traffick, whereof all the owners are not belonging to this province, except such vessels as belong to Great Britain, the provinces or



colonies of Pensilvania, West and East Jersey, New York, Connecticut, New Hampshire and Rhode Island, every voyage such ship or vessel does make, the sum of five shillings per ton, or one pound of good new pistol-powder, for every ton such ship or vessel is in burthen: *saving* for that part which is owned in Great Britain, this province, or any of the aforesaid governments, (which is hereby exempted); to be paid unto the commissioner or receiver of the dutys of impost, and to be employed for the ends and uses aforesaid.

[SECT. 19.] And the said commissioner is hereby impowered to appoint a meet and suitable person, to repair unto and on board any ship or vessel, to take the exact measure or tunnage thereof, in case he shall suspect that the register of such ship or vessel doth not express and set forth the full burthen of the same; the charge thereof to be paid by the master or owner of such ship or vessel before she be cleared, in case she shall appear to be of greater burthen; otherwise to be paid by the commissioner out of the money received by him for impost, and shall be allowed him accordingly by the treasurer in his accompts. And the naval officer shall not clear any vessel until he be also certified by the said commissioner, that the duty of tunnage for the same is paid, or that it is such a vessel for which none is payable according to this act.

*And be it further enacted by the authority aforesaid,*

[SECT. 20.] That there be one fit person, and no more, nominated and appointed by this court, as a commissioner and receiver of the aforesaid dutys of impost and tunnage of shipping, and for the inspection, care and management of the said office and whatsoever relates thereunto, to receive commission for the same from the governor or commander-in-chief for the time being, with authority to substitute and appoint a deputy receiver in each port besides that wherein he resides, and to grant warrants to such deputy receivers for the said place, and to collect and receive the impost and tunnage of shipping aforesaid that shall become due within such port, and to render the accompts thereof, and pay in the same, to the said commissioner and receiver: which said commissioner and receiver shall keep fair books of all entries and dutys arising by vertue of this act; also a particular accompt of every vessel, so that the dutys of impost and tunnage arising on the said vessel may appear; and the same to lye open, at all seasonable times, to the view and perusal of the treasurer and receiver-general of this province (or any other person or persons whom this court shall appoint), with whom he shall accompt for all collections and payments, and pay all such moneys as shall be in his hands, as the treasurer or receiver-general shall demand it. And the said commissioner or receiver, and his deputy or deputies, before their entering upon the execution of their office, shall be sworn to deal truly and faithfully therein, and shall attend in the said office from nine to twelve of the clock in the forenoon, and from two to five of the clock in the afternoon.

[SECT. 21.] And the said commissioner and receiver, for his labour, care and expences in the said office, shall have and receive, out of the province treasury, the sum of seventy pounds per annum; and his deputy or deputies to be paid for their service such sum or sums as the said commissioner and receiver, with the treasurer, shall agree, upon reasonable terms, not exceeding thirty pounds each; and the treasurer is hereby ordered, in passing and receiving the said commissioner's accompts, accordingly to allow the payments of such salary or salaries, as aforesaid, to himself and his deputy or deputies.

*Provided,*

[SECT. 22.] That this act shall be and continue in force from the twenty-ninth day of this instant June, until the twenty-ninth day of June which will be in the year of our Lord one thousand seven hundred

and thirty-six, or to the end of the next session of the general court, and no longer.

*Provided, also,*

[SECT. 23.] That the former impost act shall not subsist after this takes place. [*Passed and published July 3.*]

## CHAPTER 13.

AN ACT FOR APPORTIONING AND ASSESSING A TAX OF THIRTY THOUSAND NINETY-NINE POUNDS FOURTEEN SHILLINGS AND THREE-PENCE; WITH AN ADDITIONAL TAX OF TWENTY-SIX POUNDS FIVE SHILLINGS, ORDERED BY THE GENERAL COURT IN APRIL LAST, ON THE TOWN OF PALMOUTH IN THE COUNTY OF YORK; AND ALSO FOR APPORTIONING AND ASSESSING A FURTHER TAX OF TWO THOUSAND EIGHT HUNDRED AND SIX POUNDS NINE SHILLINGS, PAID THE REPRESENTATIVES FOR THEIR SERVICE AND ATTENDANCE IN GENERAL COURT, AND TRAVEL, IN THE YEARS ONE THOUSAND SEVEN HUNDRED AND THIRTY-FOUR AND ONE THOUSAND SEVEN HUNDRED AND THIRTY-FIVE.

WHEREAS the great and general court or assembly of the province of the Massachusetts Bay in New England, at their sessions in the years one thousand seven hundred and twenty-two, and one thousand seven hundred and twenty-seven, did pass two several grants of taxes on polls and estates, as funds and security for the payment and drawing in several sums in the bills of credit on this province, ordered to be imprinted, repeated and issued out of the publick treasury for the service of the government; that is to say, at their session held in the month of May, one thousand seven hundred and twenty-two, the sum of six thousand pounds;\* and at their session in May, one thousand seven hundred and twenty-seven, the sum of six thousand pounds;† and at their session began the twenty-ninth day of May, one thousand seven hundred and thirty-three, the sum of thirteen thousand five hundred and twenty-five pounds; and at their session in May, one thousand seven hundred and thirty-four, fifteen thousand pounds; and at the same session,‡ in April, one thousand seven hundred and thirty-five, three thousand pounds, and the further sum of two thousand eight hundred and six pounds nine shillings, paid the representatives, applied to the ends and uses in the said grants particularly enumerated and expressed; and by the resolves of the courts that made the aforesaid grants, it was then ordered that the said sum of forty-six thousand three hundred thirty-one pounds nine shillings, inclusive of the sum paid the representatives, shall be apportioned and assessed and levied on polls, and estates both real and personal, within this province, according to such rules, and in such proportion upon the several towns and districts within the same, as shall be agreed on and ordered by this court in their present session; *wherefore*, for the ordering, directing and perfecting the said sum of thirty thousand ninety-nine pounds fourteen shillings and threepence halfpenny, which, with the sum of thirteen thousand four hundred and twenty-five pounds five shillings and eightpence halfpenny, by the duties of impost, tunnage of shipping and excise, together with the income of the bills let out, and the lighthouse, will make the sum of forty-three thousand five hundred and twenty-five pounds, pursuant to the funds and grants aforesaid, which is unanimously approved, ratified and confirmed; we, his

1733-34, chap. 7,  
§ 18.

1734-35, chap. 1.

1734-35, chap. 23.

\* NOTES to 1722-23, resolve (a.) † NOTES to 1727, resolve (a.) ‡ See NOTES to 1732-33, *ante*, p. 667.

majesty's most loyal and dutiful subjects, the representatives in general court assembled. vray that it may be enacted,—

*And be it accordingly enacted by His Excellency the Governour, Council and Representatives in General Court assembled, and the authority of the same,*

[SECT. 1.] That each town and district within this province be assessed and pay, as such town's and district's proportion of the aforesaid sum of thirty thousand and ninety-nine pounds fourteen shill<sup>s</sup> and threepence, the several sums following ; that is to say,—

## IN THE COUNTY OF SUFFOLK.

PAID THE REPRESENTATIVES.		PROVINCE TAX.		SUM TOTAL.	
		£100 16s. 0d.	£6,610 0s. 0d.	£6,710 16s. 0d.	
Boston, . .	One hundred pounds sixteen shillings, . .	25 4 0	252 9 4	277 13 4	
Roxbury, . .	Twenty-five pounds four shillings, . .	25 4 0	244 3 8	269 7 8	
Dorchester, . .	Twenty-five pounds four shillings, . .	25 4 0	241 19 8	267 3 8	
Milton, . .	Twenty-five pounds four shillings, . .	25 14 0	257 12 0	282 6 0	
Bratney, . .	Twenty-nine pounds fourteen shillings, . .	30 3 0	180 12 0	210 15 0	
Weymouth, . .	Thirty pounds three shillings, . .	31 4 0	290 0 8	321 4 8	
Kingham, . .	Thirty-one pounds four shillings, . .	29 17 0	193 13 4	223 10 4	
Delham, . .	Twenty-nine pounds seventeen shillings, . .				
Medfield, . .	Thirty-one pounds four shillings, . .	31 4 0	134 17 4	166 1 4	
Wrentham, . .	Twenty-six pounds two shillings, . .	26 2 0	131 19 8	155 1 8	
Stoughton, . .	Thirty-one pounds four shillings, . .	31 4 0	143 19 4	175 3 4	
Metway, . .	Twenty-five pounds four shillings, . .	25 4 0	30 13 2	55 13 2	
Hall, . .	Twenty-five pounds four shillings, . .	25 4 0	61 9 8	86 13 8	
Brookline, . .	Twenty-five pounds four shillings, . .	25 4 0	91 5 4	116 9 4	
Needham, . .	Twenty-five pounds four shillings, . .	25 4 0	101 10 0	126 10 0	
Bellingham, . .	Twenty-five pounds four shillings, . .	25 4 0	52 7 8	77 11 8	
Walpole, . .	Twenty-five pounds four shillings, . .	25 4 0	42 18 8	67 12 8	
	One hundred thirty-one pounds nineteen shillings and eightpence, . .				
	One hundred forty-three pounds nineteen shillings and fourpence, . .				
	Ninety pounds thirteen shillings and twopence, . .				
	Sixty-one pounds nine shillings and eightpence, . .				
	Ninety-four pounds five shillings and fourpence, . .				
	One hundred and one pounds ten shillings, . .				
	Fifty-two pounds seven shillings and eightpence, . .				
	Forty-two pounds eighteen shillings and eightpence, . .				

## IN THE COUNTY OF ESSEX.

		£44 8s. 0d.	£330 11s. 4d.	£374 19s. 4d.	
Sidm, . .	Forty-four pounds eight shillings, . .	44 8 0	728 2 4	772 10 4	
Ipswich, . .	Sixty pounds six shillings, . .	60 6 0	660 1 8	720 7 8	
Newbury, . .	Sixty-six pounds twelve shillings, . .	66 12 0	737 0 0	803 12 0	
Marblehead, . .	Sixty pounds eighteen shillings, . .	60 18 0	303 16 0	363 14 0	
Lyn, . .	Thirty pounds nine shillings, . .	30 9 0	345 17 0	375 16 0	
Andover, . .	Thirty-two pounds eight shillings, . .	32 8 0	270 18 0	302 11 0	
Beverly, . .	Thirty-one pounds thirteen shillings, . .	31 13 0	243 4 0	274 17 0	
Rowley, . .	Thirty-three pounds, . .	33 0 0			
Salisbury, . .	Thirty-four pounds fourteen shillings, . .	34 14 0	228 8 8	262 12 8	
Haverhill, . .	Twenty-three pounds eight shillings, . .	23 8 0	230 17 8	253 15 8	
Glocester, . .	Thirty-two pounds, . .	32 0 0	386 11 8	418 11 8	

\* See.

## IN THE COUNTY OF ESSEX—Continued.

	PAID THE REPRESENTATIVES.	£20	2s. 0d.	PROVINCE TAX.	£109	4s. 0d.	SUM TOTAL.
Topsfield.	Twenty pounds two shillings.	.	32 8 0	One hundred and nine pounds four shillings.	115 11 9	.	£129 14s. 0d.
Boxford.	Thirty-two pounds eight shillings.	.	34 14 0	One hundred and fifteen pounds eleven shill' and ninepence.	220 17 0	9	147 19 9
Ansburry.	Thirty-four pounds fourteen shillings.	.	37 6 0	One hundred and twenty pounds seventeen shill'.	128 18 4	4	255 11 0
Bradford.	Thirty-seven pounds six shillings.	.	31 4 0	One hundred and twenty-eight pounds eighteen shill' and 4d.	110 12 0	4	166 4 4
Wenham.	Thirty-one pounds four shillings.	.	0 0 0	One hundred and ten pounds twelve shillings.	91 6 0	0	141 16 0
Man-hester.	.	.	0 0 0	Ninety-one pounds six shillings.	48 10 8	0	91 6 0
Melhusen.	.	.	0 0 0	Forty-eight pounds ten shillings and eightpence.	52 0 0	8	48 10 8
Mildilton.	.	.	0 0 0	Fifty-two pounds.	0 0 0	0	52 0 0
Ranford.	.	.	0 0 0	.	0 0 0	0	0 0 0

## IN THE COUNTY OF MIDDLESEX.

	£25	4s. 0d.	£211	17s. 4d.	£237	1s. 4d.
Cambridge.	Twenty-five pounds four shillings.	.	547 16 8	.	373 0 8	.
Charles-towne.	Twenty-five pounds four shillings.	.	245 15 0	.	271 19 0	.
Watertowne.	Twenty-five pounds four shillings.	.	280 0 0	.	307 0 0	.
Concord.	Twenty-seven pounds.	.	109 13 4	.	140 17 4	.
Weston.	Thirty-one pounds four shillings.	.	232 13 10	.	262 1 10	.
Woburn.	Twenty-nine pounds eight shillings.	.	206 0 8	.	235 8 8	.
Reading.	Twenty-nine pounds eight shillings.	.	237 4 6d	.	266 18 6d	.
Sudbury.	Twenty-nine pounds fourteen shillings.	.	190 1 0	.	222 8 0	.
Marlborough.	Thirty-two pounds eight shillings.	.	156 2 0	.	185 10 0	.
Sherbourn.	Twenty-two pounds eight shillings.	.	191 16 0	.	227 0 0	.
Lexington.	Twenty-five pounds four shillings.	.	171 5 4	.	197 0 4	.
Newton.	Twenty-five pounds sixteen shillings.	.	159 17 10	.	192 5 0	.
Natick.	Twenty-five pounds sixteen shillings.	.	119 15 3	.	142 19 3	.
Chilmark.	Twenty-two pounds eight shillings.	.	87 17 0	.	87 17 0	.
Billerica.	Twenty-three pounds four shillings.	.	42 0 0	.	42 0 0	.
Sherbourn.	.	.	42 0 0	.	42 0 0	.
Holliston.	Thirty pounds eighteen shillings.	.	157 10 0	.	188 8 0	.
Groton.	Twenty-five pounds ten shill'.	.	178 12 4	.	204 2 4	.
Frammingham.	Twenty-five pounds four shillings.	.	84 7 0	.	109 11 0	.
Medford.	Twenty-five pounds four shillings.	.	100 5 9	.	100 5 9	.
Stow.	Twenty-three pounds eight shillings.	.	43 11 3	.	66 19 3	.
Dunstable.	Twenty-three pounds eight shillings.	.	52 14 8	.	52 14 8	.
Dracut.	Twenty-nine pounds sixteen shill'.	.	68 2 8	.	97 18 8	.
Stoneham.	.	.	82 19 0	.	82 19 0	.
Littleton.	.	.	.	.	.	.



	£0	0s. 0d.	Forty pounds eleven shillings and one penny, Seventy-two pounds six shill' and fourpence halfpenny, Sixty-seven pounds thirteen shill' and sevenpence halfpenny, Fifty-six pounds seventeen shillings and sixpence, Twenty-one pounds fifteen shillings and fivepence $\frac{1}{2}$ , Sixty-one pounds,	£10 11s. 1d.	£10 11s. 1d.	
Hopkinton,	.	0	.	72	6	43
Bedford,	.	0	.	67	13	73
Westford,	.	0	.	56	17	6
Wilmington,	.	0	.	21	15	54
Nottingham,	.	0	.	0	0	0
Leitchfield,	.	0	.	61	0	0
Tewksbury,	.	8	.	0	0	0
Eight pounds,	.	0	.	0	0	0

## IN THE COUNTY OF HAMPSHIRE.

	£33	12s. 0d.	Three hundred and twenty pounds nineteen shillings, . . Two hundred twenty-seven pounds nineteen shill' and four- pence, One hundred twenty-seven pounds eleven shill' and 4 $\frac{1}{2}$ , One hundred and eleven pounds six shillings, One hundred thirty-four pounds seventeen shill' and fourpence, One hundred eighty-nine pounds, Ninety-one pounds three shillings, . . Seventy-one pounds twelve shill' and eightpence, . Thirty-eight pounds seventeen shillings, Forty-three pounds seventeen shillings and fourpence, . Forty-six pounds thirteen shill' and fourpence, Forty-five pounds,	£320	19s. 0d.	£354 11s. 0d.
Springfield,	.	24	.	327	19	4
Northampton,	.	30	.	127	11	4
Hadley,	.	20	.	111	6	0
Hadfield,	.	31	.	134	17	4
Westfield,	.	38	.	189	0	0
Sulby,	.	11	.	91	3	0
Enfield,	.	37	.	71	12	8
Deerfield,	.	0	.	38	17	0
Stuckeyland,	.	0	.	43	17	4
Northfield,	.	0	.	46	13	4
Brimfield,	.	0	.	45	0	0
Somers,	.	0	.	0	0	0
Sheffield,	.	0	.	0	0	0

## IN THE COUNTY OF WORCESTER.

	£28	10s. 0d.	Seventy-nine pounds fourteen shill' and tenpence, One hundred eighty-three pounds three shill' and 4 $\frac{1}{2}$ , One hundred and ten pounds and tenpence, . . One hundred and twelve pounds, . . Ninety-four pounds fourteen shillings and 8 $\frac{1}{2}$ , Sixty pounds eleven shillings, . . Forty-eight pounds seventeen shill' and 8 $\frac{1}{2}$ , . . Twenty-seven pounds six shillings, . . Twenty-seven pounds six shillings, Sixty-three pounds seven shill', . .	£479	14s. 10d.	£108 4s. 10d.
Worcester,	.	33	.	183	3	4
Launceston,	.	33	.	110	0	10
Mendon,	.	33	.	112	0	0
Woodstock,	.	18	.	91	14	8
Bromfield,	.	0	.	60	11	0
Southborough,	.	0	.	48	17	8
Leicester,	.	0	.	27	6	0
Rutland,	.	28	.	27	6	0
Lancashire,	.	0	.	63	7	0
Westborough,	.	0	.	0	0	0

IN THE COUNTY OF WORCESTER—Continued.

	PAID THE REPRESENTATIVES.	£0 0s. 0d.	PROVINCE TAX.	SUM TOTAL.	
				£51 9s. 0d.	£51 9s. 0d.
Shrewsbury, .	. . . . .	. . . . .	Fifty-one pounds nine shillings, . . . . .	49 14 0	49 14 0
Oxford, .	. . . . .	0 0 0	Forty-nine pounds fourteen shillings, . . . . .	82 15 0	82 15 0
Sutton, .	. . . . .	0 0 0	Eighty-two pounds fifteen shill., . . . . .	41 12 4	41 12 4
Uxbridge, .	. . . . .	0 0 0	Forty-one pounds twelve shill. and fourpence, . . . . .	50 1 10½	50 1 10½
Harvard, .	. . . . .	0 0 0	Fifty pounds one shilling and tenpence ½, . . . . .	0 0 0	0 0 0
Grafton, .	. . . . .	0 0 0	. . . . .	0 0 0	0 0 0
Quilley, .	. . . . .	0 0 0	. . . . .	24 1 1	24 1 1
Upton, .	. . . . .	0 0 0	Twenty-four pounds one shilling and one penny, . . . . .		

IN THE COUNTY OF PLIMOUTH.

		£25 10s. 0d.		SUM TOTAL.	
				£302 3s. 8d.	£227 13s. 8d.
Plimouth, .	Twenty-five pounds ten shillings, . . . . .	17 6 0	Three hundred and two pounds three shill. and eightpence, . . . . .	131 12 3	118 18 3
Scituate, .	Seventeen pounds six shillings, . . . . .	32 8 0	One hundred thirty-one pounds twelve shill. and 3½, . . . . .	361 18 8	363 6 8
Bridgewater, .	Thirty-two pounds eight shillings, . . . . .	32 8 0	Three hundred sixty-one pounds fifteen shill. and 8½, . . . . .	255 15 0	328 3 0
Marshfield, .	Twenty-five pounds one shilling, . . . . .	25 1 0	Two hundred ninety-five pounds fifteen shill., . . . . .	213 17 0	238 18 0
Pembroke, .	Twenty-five pounds one shilling, . . . . .	21 12 0	Two hundred thirteen pounds seventeen shill., . . . . .	82 18 6	104 10 6
Duxborough, .	Twenty-one pounds twelve shill., . . . . .	26 14 0	Eighty-two pounds eighteen shill. and sixpence, . . . . .	112 7 0	139 1 0
Middleborough, .	Twenty-six pounds fourteen shill., . . . . .	27 18 0	One hundred twelve pounds seven shillings, . . . . .	166 16 4	194 4 4
Rochester, .	Twenty-seven pounds eighteen shill., . . . . .	36 0 0	One hundred sixty-six pounds sixteen shill. and 4½, . . . . .	204 8 0	240 8 0
Abington, .	Thirty-six pounds, . . . . .	0 0 0	Two hundred four pounds eight shillings, . . . . .	117 10 6½	117 10 6½
Kingston, .	. . . . .	0 0 0	One hundred seventeen pounds ten shill. and sixpence ½, . . . . .	117 10 6½	117 10 6½
Hannover, .	. . . . .	0 0 0	penny, . . . . .	115 2 1½	115 2 1½
Halifax, .	Ten pounds ten shillings, . . . . .	10 10 0	One hundred fifteen pounds two shill. and one penny ½, . . . . .	64 11 11	75 1 11

IN THE COUNTY OF BRISTOL.

		£32 2s. 0d.		SUM TOTAL.	
				£214 1s. 8d.	£246 3s. 8d.
Bristol, .	Thirty-two pounds two shillings, . . . . .	25 4 0	Two hundred fourteen pounds one shilling and 8d, . . . . .	235 4 0	250 8 0
Taunton, .	Twenty-five pounds four shillings, . . . . .	24 0 0	Two hundred thirty-five pounds four shillings, . . . . .	126 4 8	130 4 8
Norton, .	Twenty-four pounds, . . . . .	0 0 0	One hundred twenty-six pounds four shill. and eightpence, . . . . .	47 7 4	47 7 4
Easton, .	. . . . .	35 18 0	Forty-seven pounds seven shillings and fourpence, . . . . .	431 15 8	467 13 8
Dartmouth, .	Thirty-five pounds eighteen shill., . . . . .	15 8 0	Four hundred thirty-one pounds fifteen shill. and 8½, . . . . .	80 18 0	113 12 0
Wighton, .	Fifteen pounds eight shillings, . . . . .		Eighty pounds eighteen shillings, . . . . .		

Uxbridge, . . .	Thirty-three pounds twelve shillings, . . .	£33 12s. 0d.	Three hundred thirty-five pounds six shillings, . . .	£335 6s. 0d.	£368 18s. 0d.
Little Compton, . . .	Twenty-three pounds fourteen shill., . . .	23 12 0	Two hundred forty-one pounds five shillings and 4 <sup>1</sup> / <sub>2</sub> , . . .	241 5 4	264 19 4
Swanzy and Shawmet, . . .	Thirty pounds twelve shill., . . .	30 12 0	Two hundred seventy-three pounds sixteen shill. and 4 <sup>1</sup> / <sub>2</sub> , . . .	273 16 4	304 8 4
Tiverton, . . .	Twenty-nine pounds two shillings, . . .	29 2 0	One hundred thirty-one pounds sixteen shill. and 8 <sup>1</sup> / <sub>2</sub> , . . .	131 16 8	160 18 8
Freetown, . . .	Thirty-two pounds six shillings, . . .	32 6 0	One hundred four pounds thirteen shillings, . . .	104 13 0	136 19 0
Atleborough, . . .	Thirty-two pounds six shillings, . . .	32 6 0	One hundred sixty-three pounds nineteen shill. and 6 <sup>1</sup> / <sub>2</sub> , . . .	163 19 6	163 19 6
Barnington, . . .	Eight pounds, . . .	8 0 0	Ninety-nine pounds fifteen shill., . . .	99 15 0	99 15 0
Ravensham, . . .	Eight pounds, . . .	8 0 0	Seventy pounds fourteen shillings, . . .	70 14 0	70 14 0
Bekeley, . . .	Eight pounds, . . .	8 0 0	Eighty-four pounds, . . .	84 0 0	92 0 0

## IN THE COUNTY OF BARNSTABLE.

Barnstable, . . .	Twenty-two pounds ten shill., . . .	£22 10s. 0d.	Three hundred fifty-four pounds six shill. and 4 <sup>1</sup> / <sub>2</sub> , . . .	£354 6s. 3d.	£376 16s. 3d.
Yarmouth, . . .	Twenty-eight pounds ten shill., . . .	28 10 0	Two hundred seventeen pounds nine shill. and fourpence, . . .	217 9 4	245 19 4
Sandwich, . . .	Thirty pounds six shillings, . . .	30 6 0	Two hundred twenty-seven pounds and eightpence, . . .	227 0 8	267 6 8
Faslane, . . .	Thirty-two pounds two shillings, . . .	32 2 0	Two hundred sixty pounds five shill. and eightpence, . . .	260 5 8	292 7 8
Turo, . . .	Thirty-two pounds two shillings, . . .	32 2 0	One hundred pounds sixteen shillings, . . .	100 16 0	100 16 0
Harwich, . . .	Thirty-two pounds two shillings, . . .	32 2 0	One hundred sixty-two pounds five shill. and eightpence, . . .	162 5 8	194 7 8
Edmouthe, . . .	Eight pounds, . . .	8 0 0	One hundred twelve pounds four shill. and eightpence, . . .	112 4 8	112 4 8
Chatham, . . .	Eight pounds, . . .	8 0 0	Eighty-four pounds fourteen shillings, . . .	84 14 0	84 14 0
Provincetown, . . .	Eight pounds, . . .	8 0 0	Forty-seven pounds seven shill. and fourpence, . . .	47 7 4	47 7 4

## IN THE COUNTY OF YORK.

York, . . .	Thirty-eight pounds eight shillings, . . .	£38 8s. 0d.	Two hundred thirty-five pounds one shilling and 8 <sup>1</sup> / <sub>2</sub> , . . .	£255 1s. 8d.	£273 9s. 8d.
Kilbury, . . .	Thirty-one pounds ten shillings, . . .	31 10 0	Three hundred twenty-two pounds fourteen shill. and 8 <sup>1</sup> / <sub>2</sub> , . . .	322 14 8	354 4 8
Bewick, . . .	Twelve pounds six shillings, . . .	12 6 0	One hundred thirty-seven pounds eighteen shillings, . . .	137 18 0	150 4 0
Wells, . . .	Thirty-seven pounds ten shillings, . . .	37 10 0	One hundred forty-one pounds one shilling, . . .	141 1 0	178 11 0
Edmouthe, . . .	Thirty-three pounds six shillings, . . .	33 6 0	Seventy-three pounds seven shill. and twenty-six p <sup>tes</sup> 5s. 4 <sup>1</sup> / <sub>2</sub> , . . .	73 7 6	73 7 6
Biblehead, . . .	Eight pounds, . . .	8 0 0	reimbursed Treas <sup>rs</sup> , . . .	100 2 0	103 8 0
Amwell, . . .	Eight pounds, . . .	8 0 0	Fifty-one pounds four shill. and fourpence, . . .	51 4 4	61 4 4
Scarborough, . . .	Eight pounds, . . .	8 0 0	Thirty-two pounds eight shill. and eightpence, . . .	32 8 8	32 8 8
Scarborough, . . .	Eight pounds, . . .	8 0 0	Sixty-three pounds fourteen shillings, . . .	63 14 0	63 14 0

IN DUKES COUNTY.

Edgartowne,	Twenty-six pounds two shill's,	£26 2s. 0d.	One hundred and twelve pounds,	£112 0s. 0d.	£138 2s. 0d.
Chilmark,	.	0 0 0	One hundred twenty-six pounds fourteen shill's,	126 14 0	126 14 0
Tisbury,	.	0 0 0	Sixty-four pounds one shilling,	64 1 0	64 1 0

IN NANTUCKET COUNTY.

Sherburn,	Thirteen pounds ten shill's,	£13 10s. 0d.	Three hundred seventy-nine pounds,	£379 0s. 0d.	£392 10s. 0d.
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*And be it further enacted by the authority aforesaid,*

[SECT. 2.] That the treasurer do forthwith send out his warrants, directed to the selectmen or assessors of each town or district within this province, requiring them, respectively, to assess the sum hereby sett upon such town and district in manner following; that is to say, to assess all rateable male polls above the age of sixteen years, at seven shillings per poll, and proportionably in assessing the said additional sum received out of the treasury for the payment of the representatives (except the governour, lieutenant-governour and their families, the president, fellows and students of Harvard Colledge, settled ministers and grammar-school masters, who are hereby exempted as well from being taxed for their polls, as for their estates being in their own hands and under their actual management and improvement), and other persons (if such there be), who through age, infirmity or extream poverty, in the judgment of the assessors, are not capable to pay towards publick charges, they may except their polls and so much of their estates as, in their prudence, they shall think fit and judge meet.

[SECT. 3.] And the justices in general sessions, in the respective countys assembled, in granting a county tax or assement\*, are hereby ordered and directed to apportion the same on the several towns in such county, in proportion to their province rate, exclusive of what has been paid out of the publick treasury to the representative of such town, for his service, and the fines set on sundry towns as aforesaid; and the assessors of each town in the province are also directed, in making any assessment, to govern themselves by the same rule; and all estates, both real and personal, lying within the limits and bounds of such town or district, or next unto the same, not paying elsewhere, in whose hand, tenure, occupation or possession soever the same is or shall be found, and income by trade or faculty which any person or persons, except as before excepted, do or shall exercise in gaining, by money or other estate not particularly otherwise assessed, or commissions of profit in their improvement, according to their understanding and cunning, at one penny on the pound; and to abate or multiply the same, if need be, so as to make up the sum hereby set and ordered for such town or district to pay; and in making their assessments, to estimate houses and lands at six years' income of the yearly rents, in money, whereat the same may be reasonably set or let for in the places where they lye: *saving* all contracts between landlord and tenant, and where no such contract is, the landlord to reimburse one-half of the tax set upon such houses and lands; and to estimate Indian, negro and molatto servants, proportionably, as other personal estate, according to their sound judgment and discretion; as also to estimate every ox of four years old and upwards, at forty shillings; every cow of three years old and upwards, at thirty shillings; every horse and mare of three years old and upwards, at forty shillings; every swine of one year old and upwards, at eight shillings; every goat of one year old and upwards, at three shillings; and sheep within the countys of Dukes county and Nantucket, at the age aforesaid, at three shillings also: likewise requiring the assessors to make a fair list of the said assessment, setting forth in distinct columns, against each particular person's name, how much he or she is assessed at for polls, and how much for houses and lands, and how much for personal estate and income by trade or faculty; and the list or list\* so perfected and signed by them, or the major part of them, to commit to the collectors, constable or constables of such town or district, and to return a certificate of the name or names of such collectors, constable or constables, together with the sum total to each of them respectively committed, unto himself, sometime before the last day of October next.

\* Sic, in original.



[SECT. 4.] And the treasurer, for the time being, upon the receipt of such certificate, is hereby impowered and ordered to issue forth his warrants to the collectors, constable or constables of such town or district, requiring him or them, respectively, to collect the whole of each respective sum, assessed on each particular person, before the last day of March next; and of the inhabitants of the town of Boston, to collect their proportion sometime in the month of January next; and to pay in their collection, and issue the accompts of the whole, at or before the last day of May next, which will be in the year of our Lord one thousand seven hundred and thirty-six.

*And be it further enacted by the authority aforesaid,*

[SECT. 5.] That the assessors of each town and district, respectively, in convenient time before their making the assessment, shall give seasonable warning to the inhabitants, in a town meeting, or by posting up notifications in some place or places in such town or district, or otherwise to notify the inhabitants to give or bring in to the assessors true and perfect lists of their polls and rateable estates; and if any person or persons shall neglect or refuse so to do, or bring in a false list, it shall be lawfull to and for the assessors to assess such person or persons according to their known ability in such town, in their sound judgment and discretion, their due proportion to this tax, as near as they can, agreeable to the rules herein given, under the penalty of twenty shillings for each person that shall be convicted by legal proof, in the judgment of the assessors, of bringing in a false list; the said fines to be for the use of the poor of such town or district where the delinquent lives, to be levied by warrant from the assessors, directed to the collector or constable in manner as is directed for gathering town assessments, and to be paid in to the town treasurer or selectmen for the use afores<sup>d</sup>: *saving* to the party agrieved at the judgment of the assessors in setting forth such fine, liberty of appeal therefrom to the court of general sessions of the peace within the county, for relief, as in case of being overrated. And if any person or persons shall not bring in a list of their estate as aforesaid to the assessors, he or they so neglecting, shall not be admitted to make application to the court of sessions for any abatement of the assessment laid on him.

[SECT. 6.] And if the party be not convicted of any falseness in the list by him presented of polls, rateable estate, or income by any trade or faculty which he doth or shall exercise in gaining, by money at interest or otherwise, or other estate not particularly assessed, such list shall be a rule for such person's proportion to the tax, which the assessors may not exceed.

*And forasmuch* as, oftentimes, sundry persons not belonging to this province, bring considerable trade and merchandize, and, by reason that the tax or rate of the town where they come to trade or traffick is finished and delivered to the constables or collectors, and, before the next year's assessment, are gone out of the province, and so pay nothing towards the support of the government, though in the time of their residing here they reaped considerable gain by trade, and had the protection of the government,—

*Be it further enacted by the authority aforesaid,*

[SECT. 7.] That when any such person or persons shall come and reside in any town of this province, and bring any merchandize, and trade and deal therewith, the assessors of such town are hereby impowered to rate and assess all such persons according to their circumstances pursuant to the rules and directions in this act provided, though the former rate may have been finished, and the new one not perfected, as aforesaid; and the constables or collectors are hereby enjoyned to levy and collect all such sums committed unto them, and pay the same into the town treasury. [Passed and published July 3.]

# ACTS

PASSED AT THE SESSION BEGUN AND HELD AT BOSTON,  
ON THE NINETEENTH DAY OF NOVEMBER, A.D. 1735.

## CHAPTER 14.

AN ACT FOR THE MORE EFFECTUAL REGULATING THE PRIVATE TRADE  
WITH THE EASTERN AND WESTERN INDIANS, AND THE PREVENTING  
ABUSES THEREIN.

WHEREAS in and by an act entitled, “An Act for allowing necessary supplies to the Eastern and Western Indians, and for regulating trade with them,” it is provided that “no person or persons whatsoever, other than the truck-masters,” “shall or may presume, by themselves, or any other for them, directly or indirectly, to sell, give, truck, barter or exchange to any” Indian, “any strong beer, ale, cider, perry, wine, rum, brandy, or” any “other strong liquors, by what name or names soever called or known, on penalty of forfeiting the sum of fifty pounds, or six months’ imprisonment, for each offence,” yet, notwithstanding, there are many persons who do, contrary to said act, let the Indians have strong liquors, and thereby debauch them; *and inasmuch* as it is very hard and difficult to detect and convict such as do presume to offend against said act, in the ordinary course and method of the law, by reason such offences are generally committed so secretly and in such a way as positive evidence can scarcely ever be had, which makes it necessary that some further provision should be made for the better discovery of such ill-disposed persons,—

*Be it enacted by His Excellency the Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

[SECT. 1.] That the accusation and affirmation of any Indian or Indians (the accuser and accused being brought face to face at the time of tryal), shall be accounted and held to be a legal conviction of the person accused of giving, selling or delivering wine, rum, or any other strong drink or liquors to such Indian or Indians, unless the person accused shall acquit himself upon oath; which the court, in all such cases, are hereby impowered to administer in the form following; viz.,—

You, A. B., do swear that neither yourself, nor any other by your order, general or particular, assent, privy, knowledge or allowance, directly or indirectly, did give, sell or deliver any wine, cider, rum or other strong liquors or drink, by what name or names soever called or known, unto the Indian by whom and whereof you are now accused.

Preamble.  
1731-32, chap. 7,  
§ 5.

The proof of  
selling strong  
drink to the In-  
dians, upon  
their complaint.

Oath to be taken  
for acquittance.

*And be it further enacted by the authority aforesaid,*

[SECT. 2.] That upon the complaint or information of any other person for the breach of the fore-recited law, there being such circumstances

Proof of selling  
strong drink to  
the Indians,

upon other person's complaint.

as render it highly probable, in the judgment of the court before whom the trial is, that the person complain'd of is guilty of the breach of the said act, then, and in every such case, unless the defendant shall acquit himself upon oath, as aforesaid, to be administered to him by the court before whom the trial shall be, the same shall be accounted a legal conviction of the defendant's giving, selling or delivering of wine or other strong liquors, of which he shall be accused; and he shall pay and suffer the penalty already by said law provided; but in case the defendant shall acquit himself upon oath, to be administered to him as aforesaid, that then he shall recover against the complainant double his costs occasioned by such prosecution.

*And be it further enacted by the authority aforesaid,*

Persons accused, to be bound over to the court.

[SECT. 3.] That upon the accusation of any Indian, or complaint of any other person, to any of his majesty's justices of the peace within this province, against any person for selling, giving or delivering any wine, rum or other strong liquors to any Indian, contrary to the true intent and meaning of the before-recited act, the justice may tender to the person accused or complained of, the aforesaid oath (unless there be such other circumstances concurring as render it highly probable, in the opinion of the justice, that the person accused is guilty), which, if he refuse to take, he shall bind him in a bond of recognizance not exceeding one hundred pounds, with sureties, to answer the same at the court of general sessions of the peace next to be held in the county where the offence is committed; but if the person accused shall acquit himself, upon oath as aforesaid, the justice shall dismiss the person accused, and allow him double his costs against the complainant occasioned by such prosecution.

*And be it further enacted by the authority aforesaid,*

Penalty for false swearing.

[SECT. 4.] That if any person or persons shall hereafter be convicted of false swearing, in any case in this act mentioned, he and they shall be liable to the same pains and penalties as is already by law provided against wilful perjury.

*And be it further enacted by the authority aforesaid,*

No person to sell any goods to the Indians within six miles of a truck-house.

[SECT. 5.] That no person or persons whatsoever, other than the truck-masters, and they only as such, shall or may presume, by themselves or any other for them, directly or indirectly, to sell, truck, barter or exchange, to any Indian or Indians, any wares, merchandizes or other provisions, within six miles of any of the truck-houses within this province, on penalty of forfeiting the sum of fifty pounds, or six months' imprisonment, for each offence; the one moiety of all fines and forfeitures arising by virtue of this act, to be laid out in procuring supplies for the carrying on the trade with the Indians, the other moiety to him or them that shall inform and sue for the same in any of his majesty's courts of record.

Penalty.

Limitation.

[SECT. 6.] This act to commence and be in force from and after the first day of March next, and to continue for the space of three years, and from thence to the end of the next sitting of the general court, and no longer. [Passed December 27, 1735; published January 21, 1735–36.]

## CHAPTER 15.

AN ACT IN ADDITION TO THE SEVERAL ACTS OR LAWS OF THIS PROVINCE FOR THE SETTLEMENT AND SUPPORT OF MINISTERS.

Preamble.

1715-16, chap. 17.

WHEREAS several persons dwelling within some of the towns of this province, who conscientiously profess themselves to be of the church of

England, and differ in opinion from the discipline and form of worship used in the respective churches established within this province, apprehend it to be unreasonable they should be obliged to pay for the support of the minister settled, according to law, in the place of their residence, inasmuch as they give no attendance on his publick administrations; but they and their families usually attend the public worship of God according to the manner of the church of England, either within their own or some neighbouring town, parish or precinct, —

1722-23, chap. 4.  
1723-24, chap. 14.  
1727-27, chap. 7.

*Be it therefore enacted by His Excellency the Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

[SECT. 1.] That all such persons as profess themselves to be of the church of England, and usually attend the publick worship of God, according to the manner of that church, and those who are of the churches established by the laws of this province, that live in the bounds of any town, parish or precinct allowed by this court, shall be taxed for the support of the ministry in such town, parish or precinct where they respectively reside, in the same manner, and by the same rule and proportion, as is or shall be by law provided; and the treasurer of the town, parish or precinct, respectively, after he has received such ministerial tax from the collector or collectors, shall deliver or cause to be delivered the taxes of all such persons as declare themselves to be of the church of England, who usually and frequently attend the publick worship of God on the Lord's days, at some church of England (after the same has been ascertained by the assessors of such town, parish or precinct), unto the minister of the church of England where he attends as aforesaid, which minister shall have full power to receive, and if need be, to recover the same in the law, in order to his support in the place assigned to him.

Ministerial taxes of persons attending at the church of England, to be paid to the Episcopal minister, in case.

*And it is further enacted by the authority aforesaid,*

[SECT. 2.] That if any deficiencies shall happen by the said payment of the minister of the church of England as aforesaid, in the salary which any of the towns, parishes or precincts, respectively, within this province, have covenanted and agreed to pay the ministers of the churches therein by law established, that then, and in every such case, the said towns, parishes and precincts, respectively, shall, within the space of two months next after such deficiency happening, make good the same; and the parishioners of the church of England, professing and attending as aforesaid, are hereby excused from paying any taxes, as well for the settlement of ministers, as for the building meeting-houses for the use of the established church within this government.

Deficiency occasioned thereby, to be made good.

*Provided, always,*

[SECT. 3.] That no person whatsoever shall be exempted as aforesaid, or his tax be paid over to the minister of the church of England, unless it be first certified by the minister of the church of England, and the church-wardens, to the treasurer of such town or parish where he inhabits, that such person is a member of the church of England, and gives his attendance on the publick worship there, in manner as aforesaid.

*Provided, also,*

[SECT. 4.] That nothing contained in this act shall extend to the town of Boston, or any other town, parish or precinct within this province, where the minister or ministers are or shall be supported by a free contribution or subscription.

Proviso.

[SECT. 5.] This act to continue and be in force for the space of five years from the publication thereof, and no longer. [Passed December 27, 1735; published January 21, 1735-36.]

Limitation.

## CHAPTER 16.

## AN ACT FOR THE MORE EFFECTUAL COLLECTING THE EXCISE UPON STRONG LIQUORS WITHIN THIS PROVINCE.

## Preamble.

WHEREAS the provision made by law for the collectors of excise giving bond to the province treasurer, hath proved insufficient and ineffectual; for the remedy whereof, and for the more effectual collecting the excise,—

*Be it enacted by His Excellency the Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

Collectors of excise to give bond before they act in their office.

[SECT. 1.] That every collector of excise shall, before he presume to act in his office, give unto the treasurer of the province, for the time being, and his successor in the said office, in manner as by the law for granting to his majesty an excise upon liquors is already provided, a bond duely executed, with sufficient sureties, for the faithful performance of his duty, and the paying the money he shall collect, into the treasury.

## Penalty.

[SECT. 2.] And if he shall neglect to give bond before he act in his office as aforesaid, he shall forever after be disqualified to sustain said office, and shall forfeit and pay double the sum that has ever been paid into the treasury, for excise, in one year, in said county; three quarter parts thereof to the province treasurer, for the use of the province, and the other quarter part to him who shall inform and sue for the same, to be recovered by bill, plaint or information in any of his majesty's courts of record within this province.

*And be it further enacted by the authority aforesaid,*

[SECT. 3.] That every collector of excise not performing the condition of his bond, shall, over and above the forfeiture of the same, forever after be disqualified to sustain said office.

## Limitation.

1732-33, chap. 1.

[SECT. 4.] This act to continue and be in force till the end of the excise act made in the fifth and sixth years of his present majesty's reign. [*Passed December 27, 1735; published January 21, 1735-36.*]

## CHAPTER 17.

## AN ACT IN EXPLANATION OF AN ACT ENTITLED, "AN ACT FOR THE RELIEF OF POOR PRISONERS FOR DEBT."

## Preamble.

1732-33, chap. 7,  
§ 1.

WHEREAS some doubts have arisen upon the act made and passed in the sixth year of the reign of his present majesty, entitled, "An Act for the relief of poor prisoners for debt," respecting the benefit they ought to receive by taking the oath in said act provided,—

*Be it therefore enacted by His Excellency the Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

Poor prisoner taking the oaths, from what debts to be discharged.

That when any person standing committed for debt or damage, upon execution, and hath attended the directions of said act, he shall only be discharged from such execution wherein the creditor, his agent or attorney, was duly notified, in such manner as the said act directs, and not from any other debt or damage upon which he stands committed; and that when any prisoner stands committed upon sundry executions, he shall receive no benefit, by the taking said oath, with respect to any executions that may be served upon him after taking the same; but he



shall be obliged to take the oath again, and attend the directions of the said act, before he shall receive any benefit thereby; which was and is the true intent and meaning of said act, and is so to be understood, during the time the said act shall continue and be in force. [*Passed December 27, 1735; published January 21, 1735-36.*]

## CHAPTER 18.

### AN ACT MORE EFFECTUALLY TO PREVENT THE COUNTERFEITING THE BILLS OF CREDIT ON THIS PROVINCE.

*Be it enacted by His Excellency the Governour, Council and Representatives in General Court assembled, and by the authority of the same.*

That whosoever, after the publication of this act, shall presume to forge, counterfeit or utter any bill or bills (knowing the same, when uttered, to be false and counterfeit) of the tenour, or in imitation, of any of the bills of credit on this province by law established, or that shall counsel, advise, procure or any ways assist in the forging, counterfeiting, imprinting, stamping or signing any false bills, or engrave any plate, or make any other instrument to be used for the making any such false and counterfeit bills, every person and persons so offending, being thereof convicted, shall be adjudged to suffer the pains of death, without benefit of clergy. [*Passed January 16; published January 21, 1735-36.*]

Making and uttering of counterfeit bills, to be punished with death, without benefit of clergy. 1720-21, chap. 10.

## CHAPTER 19.

### AN ACT TO IMPOWER THE COLLECTORS OF TAXES TO REQUIRE AID.

WHEREAS the collectors of the rates and taxes, oftentimes, labour under difficulty in collecting, from diverse persons, the sums assessed on them, and sometimes are prevented ever collecting the same, for that the law doth not empower the collectors to require and take aid to assist them in distreining for the rates committed to them to collect, and apprehending persons who refuse to pay the same, which is to the publick damage; for remedy whereof,—

*Be it enacted by His Excellency the Governour, Council and Representatives in General Court assembled, and by the authority of the same.*

[SECT. 1.] That if any of the collectors of the province, county, town and precinct rates and taxes, when in the execution of their office, shall be hindered and impeded in collecting the rates and taxes committed to them, it shall be lawfull for such collectors, if need be, to require some meet person or persons to aid and assist them therein; and that all persons, so required, that shall refuse their aid and assistance, and shall be convict thereof before one or more of his majesty's justices of the peace in the county where the offence is committed, shall pay a fine, to be disposed of to the use of the poor of the town where the offence may arise, not exceeding forty shillings, at the discretion of the justice or justices, according to the circumstances of the offence: *provided*, that it appear to the said justice or justices that the aid so demanded as aforesaid was necessary.

[SECT. 2.] And if the person so convict will not pay his fine, the justice or justices may, upon refusal thereof, order such person to the

Preamble.

Collectors of taxes impowered to demand aid.

Penalty for refusing to give aid.

common goal of the county, there to remain a close prisoner for the space of forty-eight hours, or order him to be set in the stocks for the space of two hours. [*Passed January 16; published January 21, 1735-36.*]

## CHAPTER 20.

### AN ACT TO PREVENT UNNECESSARY PETITIONS TO THE GREAT AND GENERAL COURT.

#### Preamble.

WHEREAS persons are frequently put to great cost and charge in making answers to causeless petitions preferred to the general court of this province; for remedy whereof,—

*Be it enacted by His Excellency the Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

Persons preferring causeless petitions to the general court, to pay the respondent's costs and damages.

[SECT. 1.] That for the future, when any petition or complaint exhibited to the general court shall be dismissed as vexatious or causeless, the respondent or adverse party shall be entitled to have and receive, of the petitioner or complainant, all such reasonable costs and damages as he or they have sustained in attending or making answer to such petition or complaint.

Limitation of the time for giving in petitions.

*And be it further enacted by the authority aforesaid,*

[SECT. 2.] That no petition shall be received into the court, except the same be preferred within the space of fourteen days from the first sitting of said court, unless the cause upon which the petition is founded arose within the sitting of said court.

[SECT. 3.] This act to continue and be in force for five years from the publication thereof, and from thence to the end of the next session of the general court, and no longer. [*Passed January 16; published January 21, 1735-36.*]

## CHAPTER 21.

### AN ACT TO PREVENT THE DESTRUCTION OF THE FISH CALLED ALEWIVES.

#### Preamble.

1709-10, chap. 7.  
1727, chap. 10.  
1734-35, chap. 8.

NOTWITHSTANDING the provision by law already made for removing incumbrances obstructing the natural or usual course of fish, in their season, in brooks or rivers, yet no sufficient remedy is provided where such obstruction is occasioned by dams erected for mills, &c., which is to the grievous damage of his majesty's good subjects in diverse parts of this province, more especially where such dams have been made across rivers through which alewives or other fish have been wont to pass, in great plenty, into ponds, there to cast their spawn; wherefore, to prevent the like inconvenience and damage for the future,—

*Be it enacted by His Excellency the Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

Sluices to be left in mill-dams, where fish pass, on penalty.

[SECT. 1.] That no dam shall, hereafter, be erected across any river or stream, thro' which alewives or other fish have been accustomed to pass into ponds, in which there is not made and left a convenient sluice or passage for such fish, on penalty that the owner or owners of such dam shall, upon conviction of failure or neglect therein, before any court proper to try the same, forfeit and pay the sum of fifty pounds;

and if the owner or owners of such dam shall not keep such sluice open during the space of thirty days in a year, at least, at such time or times as the alewives usually pass such stream, that then he or they shall forfeit and pay the sum of twenty shillings per day for every day of the aforementioned and limited time it shall not be kept open.

*And be it further enacted by the authority aforesaid,*

[SECT. 2.] That it shall be in the power of any town within this province, to cause any dam within the same to be annually opened, and a convenient sluice therein to be made for the passage of fish, and such town shall bear the charge and pay the damage which shall accrue to the owner of such dam by reason or means of opening the same as aforesaid; and if the owner or owners of any dam, lying below or near the mouth of any river or stream on which there is no other dam or where the up[er] dam or dams across the same stream are open, shall neglect or refuse to open the same for the convenient passage of fish, as aforesaid, upon application unto him or them made by any town or towns for that purpose, it shall and may be lawful[ly] for such town or towns aggrieved, to apply to three or more of his majesty's justices of the peace for the same county, not dwelling in or belonging unto any of the towns concerned, who are hereby directed to order such dam to be opened for the use aforesaid, and to appoint and empower a committee for that purpose; which dam, so opened by the town in which the same l[ie]s, as aforesaid, by order of such justices, shall be kept open by the space of thirty days annually as aforesaid; the commencement and determination of the said thirty days in this act mentioned, to be ordered as the selectmen of such town or towns, or the major part of the said towns reaping benefit by opening or keeping open thereof, or desiring the same, shall judge convenient; or if the owner or owners of such dam, or any other person or persons, shall presume to stop any sluice or passage made as aforesaid, during any of the beforementioned thirty days, the person or persons so offending shall forfeit and pay, for every such offence, the sum of thirty pounds; and such town or towns reaping benefit as aforesaid, shall make satisfaction to the owner or owners of any dam or dams, for all the damage he or they shall sustain by the opening or keeping open thereof, in proportion to the benefit such town or towns shall respectively reap thereby, as shall be adjudged and determined by a jury, in case the parties don't otherwise agree, and the owner or owners of the said dam or dams see cause to complain to the court of general sessions of the peace, who are hereby empowered to issue out a warrant, directed to the sheriff, for the summoning and impanelling the said jury, who shall be sworn by a justice of the peace, to a faithful and indifferent appraisal of the damages the owner or owners of any dam or dams shall sustain by the opening thereof, or keeping the same open, from time to time, as aforesaid; and the said jury's verdict being returned by the hand of the sheriff to the next court of quarter sessions of the county wherein such dam or dams is or may be, being allowed and recorded, shall be a final determination and issue of the affair, and shall be a sufficient bar against any action to be brought for any damages occasioned by the opening or keeping open any dam or dams aforesaid: *saving only*, an action of debt, which the complainant may bring, from time to time, for the recovery of what shall be given or found by the verdict aforesaid.

*Provided, always,*

[SECT. 2.] That where the jury shall find no more damage than what the town or towns may have offered and tendered to pay to the owner or owners of such dam, that then the cost and charge of the jury in viewing and valuing the same, shall be born by such owner or owners of said dam or dams, to be levied by distress and sale of such

Towns to have power to cause sluices to be made in dams.

To apply to three or more justices, in case of the owners' refusal.

Time of keeping open the sluices.

Penalty for stopping the sluices.

Damage to be determined by a jury.

Jury's verdict to bar any action.

Saving for the damages so given.

How the cost shall be borne.

Saving.

complainant's goods, by order of said court; *saving always*, that all previous contracts and agreements in writing, referring to such dam or dams, shall be held good and valid to bind and oblige the parties thereunto, according to the true intent and meaning thereof; anything in this act to the contrary notwithstanding.

How the penalties for the breach of this act shall be recovered.

[SECT. 3.] And all forfeitures and penalties arising by the breach of this act, shall be recovered by bill, plaint or information in any of his majesty's courts of record, or by presentment of the grand jury; one moiety whereof to and for the use of the poor of the town where the offence shall be committed; the other moiety to him or them that shall inform and sue for the same.

Term of the act.

[SECT. 4.] This act to continue and be in force for the space of seven years from the publication thereof, and no longer. [*Passed January 16; published January 21, 1735–36.*]

## CHAPTER 22.

AN ACT GRANTING TO ROWLAND HOUGHTON OF BOSTON, IN THE COUNTY OF SUFFOLK, MERCHANT, THE SOLE PRIVILEGE OF MAKING AND VENDING A CERTAIN SURVEYING INSTRUMENT CALLED "THE NEW THEODOLITE."

Preamble.

WHEREAS Rowland Houghton, of Boston, in the county of Suffolk, merchant, hath humbly represented by his petition to this court, that he has, with considerable trouble and expence, projected and made a new theodolite for surveying of lands, with suitable instruments, with greater ease and dispatch than any surveying instrument heretofore projected or made within this province, which, upon a careful view and examination, appears to be a projection tending to publick benefit and service; and this court being willing to encourage projections whereby the good of the publick may be served,—

*Be it enacted by His Excellency the Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

Rowland Houghton to have the benefit of making and selling the new theodolite for seven years.

[SECT. 1.] That the sole right, privilege, benefit and advantage of making and vending or selling the said surveying instrument called "the new theodolite," within this province, projected and made by him the said Rowland Houghton, be and hereby is given and granted to the said Rowland Houghton, and to his heirs and assigns, to have and to hold to his and their sole use, benefit and behoof for and during the full space and term of seven years, to commence from and after the publication of this act.

*And be it further enacted by the authority aforesaid,*

Other persons forbidden to sell it on penalty of £40.

[SECT. 2.] That all and every other person and persons, whosoever, be and hereby are strictly forbidden from making, vending or selling, within any part of this province, the said instrument called "the new theodolite," for and during the term aforesaid, on penalty that every such person and persons who shall make, sell or vend the said instrument called "the new theodolite," within this province, during the said term of seven years, unless by or under him, the said Rowland Houghton, shall, for every conviction, forfeit and pay the sum of forty pounds, to be recovered by the said Rowland Houghton, his heirs or assigns, by bill, plaint or information in any of his majesty's courts of record in any county within this province where the offence shall be committed [*Passed January 16; published January 21, 1735–36.*]

# ACTS

PASSED AT THE SESSION BEGUN AND HELD AT BOSTON,  
ON THE SEVENTEENTH DAY OF MARCH, A.D. 1735-36.

## CHAPTER 23.

AN ACT FOR GRANTING THE SUM OF THREE THOUSAND POUNDS, FOR  
THE SUPPORT OF HIS MAJESTY'S GOVERNOR.

*Be it enacted by His Excellency the Governor, Council and Representatives in General Court assembled, and by the authority of the same,*

[SECT. 1.] That the sum of three thousand pounds, in bills of publick credit on this province, be and hereby is granted unto his most excellent majesty, to be paid out of the publick treasury to his excellency Jonathan Belcher, Esqr., captain-general and governor-in-chief in and over this his majesty's province of the Massachusetts Bay, to enable him to go on in managing the publick affairs. And the duties of impost and excise, together with all other incomes, shall be a fund and security for the payment and drawing in the said bills into the treasury again.

*And be it further enacted,*

[SECT. 2.] That there be and hereby is granted unto his most excellent majesty, as a further fund and security for drawing in the said bills by this act ordered to be emitted, a tax of three thousand pounds, to be levied upon polls, and estates both real and personal, within this province, according to such rules and directions, and in such proportion, upon the several towns and districts within the same, as shall be agreed on and ordered by the great and general court, in their session in May next, and paid into the publick treasury on or before the last day of December then next coming. [*Passed March 27, 1736.*]

## CHAPTER 24.

AN ACT FOR ALTERING THE TIME FOR HOLDING THE SUPERIOUR  
COURT OF JUDICATURE, COURT OF ASSIZE AND GENERAL GOAL  
DELIVERY, WITHIN AND FOR THE COUNTY OF YORK.

WHEREAS at present the superiour court of judicature, court of assize and general goal delivery for the county of York, is appointed to be held the third Tuesday of May, which is the very next week after the sitting of the superiour court at Ipswich, for the county of Essex, and very often the week next preceeding the general court of elections at Boston; which, considering the great increase of business of late years in these parts, is thought to be too streight a time, besides the general desire of the people of that county, that the superiour court of judicature, &c., might sit there in the month of June, rather than so early in the year as the month of May,—

Preamble.

1733-34, chap. 9,  
§ 2.



*Be it therefore enacted by His Excellency the Govern[ou]r, Council and Representatives in General Court assembled, and by the authority of the same,*

Time of the  
superior court's  
sitting at York  
altered.

[SECT. 1.] That the said superiour court of judicature, court of assize and general goal delivery appointed to be holden at York, for the county of York, on the third Tuesday of May, annually, shall be henceforth held and kept at York aforesaid, for the said county of York, on the third Wednesday of June, annually.

All processes to  
stand good.

*And be it further enacted by the authority aforesaid,*

[SECT. 2.] That all appeals, reviews, recognizances, warrants, or other process, already issued, taken, filed or to be filed, continued or any way depending, which are to be heard and tried at York aforesaid, for the said county of York, according to the day already appointed by law, shall not fail or be discontinued, but be valid and stand good to all intents and purposes in the law, and be heard, tried and determined at the time and day set and appointed by this act; and that the clerks of the said courts, in making out writts of *venire facias*, for the choice of jurors, take notice that they give their attendance on the first day of the said court's sitting; and all officers, and other persons concerned, are required to conform themselves accordingly. [*Passed March 27, 1736.*]

Clerks to issue  
*venires*.

NOTES.—There were four sessions of the General Court this year; all but the first being held by adjournment.

The engrossments of the first thirteen chapters, and also of chapters 21 and 24, are preserved; the rest have not been found. All the acts of this year were printed with the sessions acts, except chapters 12 and 13. Chapter 23, though passed at the first session, was not signed by the Governor until the fourth session.

The acts of the first session were delivered to the clerk of the Privy Council, February 26, 1735-36; referred to the committee on plantation affairs, March 4, 1735-36; sent to the Board of Trade, March 10, 1735-36; and by them referred to Mr. Fane, March 25, 1736. The acts of the third and fourth sessions were delivered, in like manner, December 13, 1736; referred to the committee, January 19, 1736-37; sent to the Board of Trade, January 21, 1736-37; and to Mr. Fane, March 10, 1736-37. Mr. Fane reported upon the former, May 25, 1736, and, upon the latter, August 2, 1737, that he had no objection thereto in point of law.

The Lords of Trade, on the tenth of July, 1735, "resolved that, for the future, all Acts of the Massachusetts Bay shall live two years (from the time of their being presented to the Crown) Probationary (unless objected to in the mean time) and then to report upon them." Accordingly the date of their representation upon the acts of the last two sessions is June 27, 1739; in which they report that chapters 14, 16, 17 and 23 "were temporary & have either had their full effect before this time or, at least, very little remains depending thereon." Chapters 15, 20, 21 and 22 are also represented as temporary, and not objectionable; and chapters 18, 19 and 24, perpetual acts, having been reported by them without objection, were confirmed by an order in council dated August 2, 1739. No representation upon the acts of the first session has been found.

*Chap. 12. "To Francis Fane Esq<sup>r</sup>*

*S<sup>r</sup>, My Lords Commissioners for Trade and Plantations command me to send you the 17 inclosed Acts passed in the Province of the Massachusetts Bay in 1735 and to desire your opinion in point of law as soon as conveniently may be upon such of them as you have not already reported upon to their Lordships, and particularly whether the Act for granting unto His Majesty several Rates and Duties of Impost and Tonnage of shipping does not tacitly allow the importation of Canary Wines directly from the Canaries into that Province and whether such importation is not contrary to the Act for the encouragement of Trade passed in the fifteenth year of King Charles the 2<sup>nd</sup>*

*I am, Sir, Your most humble Serv<sup>t</sup>*

A. POPPLE

WHITEHALL March 25<sup>th</sup> 1736."

—"New England, Board of Trade," vol. 40, p. 161, in *Public Record Office*.

*Chap. 23.* This chapter, like the acts of previous years for granting the Governor a salary (1731-32, chap. 5; 1732-33, chap. 11; 1733-34, chap. 12; 1734-35, chap. 18), was signed by special permission of the Crown, upon the application of the Governor. Belcher, junior, petitioned, again, in his father's behalf; and his petition was referred, by an order in council, August 14, 1735, to the Lords of Trade. Upon this petition, the Lords of Trade reported, in accordance with the prayer thereof, a recommendation that the Governor be allowed to assent to the passage of this chapter; and, for the future, to sign similar acts without first transmitting them to the Privy Council for special permission so to do. The Privy Council thereupon ordered the Board to prepare and report the draught of an additional instruction in conformity with their report; which was done October 31, 1735; and the draught was approved by the Privy Council, on the sixth of November following.

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ACTS,  
PASSED 1736-37.

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# ACTS

PASSED AT THE SESSION BEGUN AND HELD AT BOSTON,  
ON THE TWENTY-SIXTH DAY OF MAY, A.D. 1736.

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## CHAPTER 1.

AN ACT FOR GRANTING THE SUM OF THREE THOUSAND POUNDS FOR  
THE SUPPORT OF HIS MAJESTY'S GOVERNOUR.

*Be it enacted by His Excellency the Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

[SECT. 1.] That the sum of three thousand pounds in bills of publick credit on this province, be and hereby is granted unto his most excellent majesty, to be paid out of the publick treasury, to his excellency Jonathan Belcher, Esqr., captain-general and governour-in-chief in and over his majesty's province of the Massachusetts Bay, to enable him to go on in managing the publick affairs. And the dut[ie][y]s of impost and excise, together with all other incomes, shall be a fund and security for the payment and drawing in the said bills into the treasury again.

*And be it further enacted,*

[SECT. 2.] That there be and hereby is granted unto his most excellent majesty, as a further fund and security for drawing in the said bills, by this act ordered to be emitted, a tax of three thousand pounds, to be levied on polls, and estates both real and personal, within this province, according to such rules and directions, and in such proportion upon the several towns and districts within the same, as shall be agreed on and ordered by the great and general court at their session in May, one thousand seven hundred and thirty-eight, and paid into the publick treasury on or before the last day of December next after.  
[Passed July 6; published July 8.]

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## CHAPTER 2.

AN ACT TO IMPOWER AND OBLIGE THE SURVIVING TRUSTEES OF THE  
FIRST FIFTY THOUSAND POUNDS LOAN, SO CALLED, TO COMPLY WITH  
WHAT WAS ENJOYNED THE SAID TRUSTEES IN THE SEVERAL ACTS  
REFERRING TO THE SAID LOAN.

WHEREAS in the act for making and emitting the sum of fifty thousand pounds in bills of credit on this province, made and passed in the first year of the reign of his late majesty King George, it is enacted, "That Andrew Belcher, Addington Davenport and Thomas Hutchin-

Preamble.  
1714, chap. 10

son, Esqrs., and Mr. John White and Mr. Edward Hutchinson, be the first five trustees for putting the said act in execution," three of whom; viz., Andrew Belcher, Addington Davenport and John White, are dec[*ease*]d, and no other persons have been appointed in the room of those deceased as aforesaid, so that there is not a major part of the said trustees surviving to act in and finish the trust committed to them by virtue of the aforesaid act,—

*Be it therefore enacted by His Excellency the Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

The two surviving trustees impowered to act.

That Thomas Hutchinson and Edward Hutchinson, Esqrs., the only surviving trustees as aforesaid, shall be and hereby are fully authorized, impowered and required, without delay, to settle all accompts respecting the said fifty thousand pounds loan, yet remaining unsettled, and pursue and follow the directions of the several acts or laws of this province referring thereto, in such manner as is therein directed, and as fully and effectually to all intents and purposes whatsoever, as if a major part of the said trustees were now living; and shall be entitled to all the benefit and profit accruing thereby to the trustees. [*Passed July 6; published July 8.*]

## CHAPTER 3.

### AN ACT TO PREVENT THE MULTIPLICITY OF LAWSUITS.

#### Preamble.

WHEREAS, of late, it hath been the practice of some of the sheriffs, undersheriffs or their deput[*ie*][y]s, within this province, to receive from some of the justices of the peace, and the clerks of the courts within the respective counties, blank writ[t]s, and then fill them up and serve them, and sometimes appear by virtue of a power of attorney to pursue the same, which practice has a tendency very much to increase the number of lawsuits, and to a partial administration of justice; for remedy whereof,—

*Be it enacted by His Excellency the Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

Sheriffs and their officers forbidden to fill up writs, &c., unless in their own causes.

[SECT. 1.] That no sheriff, undersheriff or deputy sheriff within this province, from and after the publication of this act, shall presume to draw or fill up any writ[t] for any matter or thing whatsoever, triable before any of his majesty's justices of the peace or courts of record within this province, or be any ways of advice or assistance therein, unless in cases where he or they are concerned as plaintiff; and in case it appears to the justice or court to whom such writ[t] is returned, that any writ[t] was so drawn or filled up as aforesaid, such justice or court shall dismiss the same, and allow costs for the defendant.

*And be it further enacted by the authority aforesaid,*

Sheriffs' and undersheriffs' appearance not to be allowed.

[SECT. 2.] That no appearance of any sheriff, his undersheriff or deputy, before any justice of the peace or court of record, by virtue of a power of attorney, shall be allowed good to any intent or purpose whatsoever, in the county where he is an officer, except where the party giving the power lives out of the province; and in this case, his appearance shall not be allowed, if he filled the writ[t].

#### Limitation.

[SECT. 3.] This act to continue and be in force for the space of five years from the publication thereof, and no longer. [*Passed July 6; published July 8.*]



## CHAPTER 4.

## AN ACT TO ENABLE THE OVERSEERS OF THE POOR AND SELECTMEN TO TAKE CARE OF IDLE AND DISORDERLY PERSONS.

WHEREAS some idle, dissolute and vagrant persons, having some estate, and accordingly rateable, take no care of their families, nor improve their estates to the best advantage, which persons are not under the care or inspection of the overseers of the poor or selectmen of the town where such idle persons dwell,—

Preamble.  
1722-23, chap. 2

*Be it therefore enacted by His Excellency the Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

[SECT. 1.] That where any idle, dissolute or vagrant persons, having a rateable estate, do neglect to take due care of themselves and their families, or to improve their estates, that in all such cases the overseers of the poor, or the selectmen of the town, shall be and hereby are impowered to take the like care and inspection of such person or persons that neglect the due care and improvement of their estate[s], and that mispend their time and money, and that live idle, vagrant and dissolute lives, as if they were poor, indigent and impotent persons, and accordingly put out, into orderly families, their children, if any they have, and improve their estates to the best advantage, and apply the produce and income thereof towards the support of them and their families.

Idle persons having estates, to be taken care of by the selectmen, &c.

*Provided,*

[SECT. 2.] That any of the said idle persons, thinking themselves aggrieved, may make their application to, and have remedy from, the justices in general sessions of the peace in the same county (if they see cause), who are hereby impowered to relieve such aggrieved person from the determination of the selectmen.

Proviso.

[SECT. 3.] This act to continue and be in force for the term of ten years from the publication thereof, and no longer. [*Passed July 6; published July 8.*]

Limitation.

## CHAPTER 5.

## AN ACT FOR REBUILDING THE BRIDGE CALLED MILES BRIDGE, OVER THE RIVER BETWEEN SWAN[Z][S]EY AND BARRINGTON.

WHEREAS the bridge over the river between Swansey and Barrington, in the country road, commonly called Miles Bridge, has been found very beneficial, and heretofore hath been built and maintained by the said towns of Swan[ze][s]y and Barrington, but of late has been neglected, and is become wholly useless, very much to the prejudice of the publick; for remedy whereof,—

Preamble.

*Be it enacted by His Excellency the Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

That the court of general sessions of the peace for the county of Bristol, be and hereby are impowered and ordered to issue and send forth warrants to the said towns of Swan[z][s]ey and Barrington respectively, requiring the said towns to build a good and substantial cart bridge across the said river, in the countr[e]y road afores[ai]d, where the said bridge did stand; two third parts to be done by the town of

Towns of Swansey and Barrington to pay the charge of building and repairing Miles Bridge.

Swan[z][s]ey, and the other third part by the town of Barrington. And in case of neglect of the said towns to build the bridge afores[ai]d, in manner afores[ai]d, for the space of three months next after their being ordered to do the same by the said court of general sessions of the peace, the s[ai]d court of general sessions of the peace are hereby impowered and directed to order and set on work proper persons to build the afores[ai]d bridge, and to levy the cost and charge thereof by warrant of distress on the estate of the said towns of Swan[z][s]ey and Barrington, and for want thereof, on their inhabitants; two thirds thereof on the said town of Swan[z][s]ey, and the other third on the said town of Barrington; but in case one of said towns only should refuse or neglect to do their proportionable part of said bridge as afores[ai]d, then the said court of general sessions of the peace are hereby impowered and directed to order and employ proper persons to perform and do the same, and levy the cost and charge thereof by warrant of distress as afores[ai]d, on such defective town; and in like manner, from time to time forever hereafter, the said court of general sessions of the peace are hereby impowered and directed to order the repairing and rebuilding and keeping in good condition the aforesaid bridge. [*Passed July 6; published July 8.*]

## CHAPTER 6.

### AN ACT FOR GRANTING UNTO HIS MAJESTY SEVERAL RATES AND DUTIES OF IMPOST AND TUNNAGE OF SHIPPING.

WE, his majesty's most loyal and dutiful subjects, the representatives of his majesty's province of the Massachusetts Bay in New England, considering the necessity of calling in the sum of forty-three thousand nine hundred eighty-six pounds eight shillings and twopence granted to his late majesty King George, at the several sessions in the year one thousand seven hundred and twenty-seven; to his present majesty, at their several sessions in the year one thousand seven hundred and thirty-one, and one thousand seven hundred and thirty-three, and one thousand seven hundred and thirty-four, and one thousand seven hundred and thirty-five, to be levied and collected in this present year, have cheerfully and unanimously given and granted, and do hereby give and grant, unto his most excellent majesty, to the ends, uses and intents aforesaid, and for no other use, the several duties of impost upon wines, liquors, goods, wares and merchandize that shall be imported into this province, and tunnage of shipping hereafter mentioned, for calling in the sum of forty-three thousand nine hundred eighty-six pounds eight shillings and twopence; and pray that it may be enacted,—

*And be it accordingly enacted by His Excellency the Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

[SECT. 1.] That from and after the twenty-sixth day of June, instant, there shall be paid by the importer of all wines, liquors, goods, wares and merchandizes that shall be imported into this province from the place of their growth (salt, cotton-wooll, provisions, and every other thing of the growth and produce of New England excepted), the several rates or duties of impost following; viz.,—

For every pipe of wine of the Western Islands, thirty shillings.

For every pipe of Canary, forty-five shillings.

For every pipe of Madera, thirty-five shillings.

For every pipe of other sorts not mentioned, thirty-five shillings.

For every hogshead of rum containing one hundred gallons, thirty shillings.

For every hogshead of sugar, two shillings.

For every hogshead of molasses, one shilling.

For every hogshead of tobacco, thirty-five shillings.

For every tun of logwood, three shillings.

And so, proportionably, for greater or lesser quantities.

And all other commodities, goods or merchandize, not mentioned or excepted, threepence for every twenty shillings' value: all goods imported from Great Britain excepted.

And whereas many strangers and foreigners have of late years reaped great gain and profit by bringing into this province considerable quantities of foreign molasses and rum, on their own accounts, whereby much of the trade that was formerly carried on with considerable profit by the inhabitants of this province, altho' with the paying very high charges for permission, &c., in their islands, is in a great measure, if not wholly, prevented: wherefore, in order to the subjecting such foreigners' goods to a higher duty.—

*Be it enacted by the authority aforesaid,*

[SECT. 2.] That all such molasses and rum that belongs to foreigners shall pay the following duties; viz',—

For every hogshead of molasses, five shillings.

For every hogshead of rum, six pounds.

And, for preventing the colouring of such foreigners' goods under the names of any merchants or others inhabiting this province,—

*Be it enacted by the authority aforesaid,*

[SECT. 3.] That when any of such goods are imported into this province that may reasonably be supposed to come from any of the said foreign plantations, and are said to be consigned to some of the inhabitants of this province, or British subjects, such person to whom the same is consigned shall make oath before the commissioner of impost in the words following; viz',—

You, A B, do swear that the goods imported in the ship or vessel ( ), and consigned you, did actually and truly come upon the sole proper account and risque, and are, *bona fide*, the goods and estate of yourself or some other of his majesty's British subjects; and that no foreigner, directly or indirectly, is any ways interested or concerned in the same, or is ever to have any share or part in the same, that you know of; nor is this consignment made to you under any colour or pretext, to prevent the paying the duties of the same. So help you God.

[SECT. 4.] And for any of the above wines, liquors, goods, wares, merchandizes, &c., that shall be imported into this province, &c., from any other port than the places of their growth and produce, there shall be paid, by the importer, double the value of impost appointed by this act to be received for every species abovementioned, unless they do, *bona fide*, belong to the inhabitants of this province, and came upon their risque from the port of their growth and produce.

*And be it further enacted by the authority aforesaid,*

[SECT. 5.] That the aforesaid impost, rates and duties shall be paid in current money, or in bills of credit of this province, by the importer of any wines, liquors, goods or merchandize, unto the commissioner to be appointed, as is hereinafter to be directed, for entring and receiving the same, at or before the landing of any wines, liquors, goods or merchandizes: only the commissioner or receiver is hereby allowed to give credit to such person or persons where his or their duty of impost in one ship or vessel doth exceed the sum of ten pounds; and in case where the commissioner or receiver shall give credit, he shall settle and ballance his accounts with every person, so that the same

accounts may be ready to be presented to this court in May next. And all entries where the impost or duty to be paid doth not exceed four shillings, shall be made without charge to the importer, and not more than sixpence to be paid for any other single entry to what value soever.

*And be it further enacted by the authority aforesaid,*

[SECT. 6.] That all masters of ships or other vessels coming into any harbour or port within this province, from beyond sea, or from any other province or colony, before bulk be broken and within twenty-four hours after his arrival at such harbour or port, shall make a report to the commissioner or receiver of the impost, to be appointed as is herein-after mentioned, of the contents of the lading of such ship or vessel, without any charge or fee to be demanded or paid for the same; which report said master shall give in to the commissioner or receiver, under his hand, and shall therein set down and express the quantities and species of the wines, liquors, goods and merchandizes laden on such ship or vessel, with the marks and numbers thereof, and to whom the same is consigned; and also make oath that the said report or manifest of the contents of his lading, so to be by him given in, under his hand, as aforesaid, contains a just and true account, to the best of his knowledge, of the whole lading taken on board and imported in the said vessel from the port or ports such vessel came from, and that he hath not broken bulk nor delivered any of the wines, rum or other distilled liquors or merchandizes laden on said ship or vessel, directly or indirectly, and if he shall know of any more wines, liquors, goods or merchandize to be imported therein, before the landing thereof, he will cause it to be added to his manifest; which manifest shall be agreeable to a printed form made for that purpose, which is to be filled up by the said commissioner or receiver, according to each particular person's entry; which oath the commissioner or receiver is hereby empowered to administer: after which such master may unload, and not before, on pain of one hundred pounds, to be forfeited and paid by each master that shall neglect his duty on this behalf.

*And be it further enacted by the authority aforesaid,*

[SECT. 7.] That all merchants, factors and other persons, importers, being owners of, or having any of the wines, liquors, goods or merchandizes consigned to them, that by this act are liable to pay impost or duty, shall, by themselves or order, make entry thereof in writing, under their hands, with the said commissioner or receiver, and produce unto him the original invoice of all such goods as pay *ad valorem*, and make oath thereto in manner following:—

You, A. B., do swear that the entry of the goods and merchandize, by you now made, contains the true value, agreeable to the invoice herewith exhibited; and that, according to your best skill and judgment, it is not less than the real value thereof. So help you God.

—which above oath the commissioner or receiver is hereby empowered to administer; and they shall pay the duty and impost by this act required, before such wines, liquors, goods, wares or merchandizes be landed or taken out of the vessel in which the same shall be imported, on pain of forfeiting all such wines, liquors, goods, wares or merchandizes so landed or taken out of the vessel in which the same shall be imported.

[SECT. 8.] And no wines, liquors, goods, wares or merchandizes that by this act are liable to pay impost or duty, shall be landed on any wharf, or into any warehouse or other place, but in the daytime only, and that after sunrise and before sunset, unless in the presence and

with the consent of the commissioner or receiver, on pain of forfeiting all such wines, liquors, goods, wares and merchandizes, and the lighter, boat or vessel out of which the same shall be landed or put into any warehouse or other place.

[SECT. 9.] And if any person or persons shall not have and produce an invoice of the quantities of rum or liquors to him or them consigned, then the cask wherein the same is shall be gaged at the charge of the importer, that the quantities thereof may be known.

*And be it further enacted by the authority aforesaid,*

[SECT. 10.] That every merchant or other person, importing any wines into this province, shall be allowed twelve per cent for leakage: *provided*, such wines have not been filled up on board; and that every hogshead, butt or pipe of wine that hath two third parts thereof leaked out, shall be accounted for outs, and the merchant or importer to pay no duty or impost for the same. And no master of any ship or vessel shall suffer any wines to be filled up on board without giving a certificate of the quantity so filled up, under his hand, before the landing thereof, to the commissioner or receiver of impost for such port, on pain of forfeiting the sum of fifty pounds.

[SECT. 11.] And if it be made to appear that any wines imported in any ship or vessel be decayed at the time of unlading thereof, or in twenty days afterwards, oath being made before the commissioner or receiver that the same hath not been landed above that time, the duties and impost paid for such wines shall be repaid **unto the importer** thereof.

*And be it further enacted by the authority aforesaid,*

[SECT. 12.] That the master of any ship or vessel importing any wines, liquors, goods, wares or merchandize, shall be liable to and shall pay the impost for such and so much thereof contained in his manifest, as shall not be duly entred, nor the duty paid for the same, by the person or persons to whom such wines, liquors, goods, wares or merchandize are or shall be consigned. And it shall and may be lawful to and for the master of every ship or other vessel, to secure and detain in his hands, at the owner's risque, all such wines, liquors, goods, wares or merchandize imported in any ship or vessel, until he shall receive a certificate from the commissioner or receiver of the impost that the duty for the same is paid, and until he be repaid his necessary charges in securing the same: or such master may deliver such wines, liquors, goods, wares or merchandize as are not entred, unto the commissioner or receiver of the impost in such port, or his order, who is hereby empowered and directed to receive and keep the same, at the owner's risque, until the impost thereof, with charges, be paid; and then to deliver such wines, liquors, goods, wares or merchandize as such master shall direct.

*And be it further enacted by the authority aforesaid,*

[SECT. 13.] That the commissioner or receiver of the impost, in each port, shall be, and hereby is, empowered to sue the master of any ship or vessel for the impost or duty for so much of the lading of any wines, liquors, goods, wares or merchandizes imported therein, according to the manifest to be by him given upon oath, as aforesaid, as shall remain not entred and the duty of impost thereof not paid: and where any goods, wares or merchandizes are such as that the value thereof is not known, whereby the impost to be recovered of the master for the same cannot be ascertained, the owner, or person to whom such goods, wares or merchandizes are or shall be consigned, shall be summoned to appear as an evidence at the court where suit for the impost and duty thereof shall be brought, and be there required to make oath to the value of such goods, wares and merchandizes.



*And be it further enacted by the authority aforesaid,*

[SECT. 14.] That the ship or vessel, with her tackle, apparel and furniture, the master of which shall make default in anything by this act required to be performed by him, shall be liable to answer and make good the sum or sums forfeited by such master, according to this act, for any such default, as also to make good the impost or duty for any wines, liquors, goods, wares or merchandizes not entred as aforesaid; and, upon judgment recovered against such master, the said ship or vessel, with so much of the tackle or appurtenances thereof as shall be sufficient to satisfy said judgment, may be taken in execution for the same. And the commissioner or receiver of the impost is hereby empowered to make seizure of such ship or vessel, and detain the same under seizure until judgment be given in any suit to be commenced and prosecuted for any of the said forfeitures or impost, to the intent that if judgment be rendred for the prosecutor or informer, such ship or vessel and appurtenances may be exposed to sale for satisfaction thereof, as is before provided: *unless* the owners, or some on their behalf, for the releasing such ship or vessel from under seizure or restraint, shall give sufficient security unto the commissioner or receiver of impost that seized the same, to respond and satisfy the sum or value of the forfeiture and duties, with charges, that shall be recovered against the master thereof upon suit to be brought for the same, as aforesaid; and the master occasioning such loss and damage unto his owners, through his default, or neglect, shall be liable unto their action for the same.

*And be it further enacted,*

[SECT. 15.] That the naval officer within any of the ports of this province shall not clear or give passes to any master of any ship or other vessel outward bound, until he shall be certified by the commissioner or receiver of the impost, that the duties and impost for the goods last imported in such ship or vessel are paid or secured to be paid.

[SECT. 16.] And the commissioner or receiver of the impost is hereby empowered to allow bills of store to the master of any ship or vessel importing any wines or liquors, for such private adventures as shall belong to the master or seamen of such ship or other vessel, at the discretion of the commissioner or receiver, not exceeding three per cent of the lading; and the duties payable by this act for such wines or liquors in such bills of store mentioned and expressed, shall be abated.

*And be it further enacted by the authority aforesaid,*

[SECT. 17.] That all penalties, fines and forfeitures accruing and arising by vertue of this act, shall be one half to his majesty, for the uses and intents for which the aforementioned duties of impost are granted, and the other half to him or them that shall seize, inform and sue for the same, by action, bill, plaint or information in any of his majesty's courts of record, wherein no essoign, protection or wager of law shall be allowed; the whole charge of the prosecution to be taken out of the half belonging to the informer.

*And be it further enacted by the authority aforesaid,*

[SECT. 18.] That there shall be paid by the master of every ship or other vessel coming into any port or ports in this province to trade or traffick, whereof all the owners are not belonging to this province (except such vessels as belong to Great Britain, the provinces or colonies of Pensilvania, West and East Jersey, New York, Connecticut, New Hampshire and Rhode Island), every voyage such ship or vessel does make, the sum of five shillings per ton, or one pound of good, new pistol-powder for every ton such ship or vessel is in burthen: *saving* for that part which is owned in Great Britain, this province, or any of the aforesaid governments (which is hereby exempted) to

be paid unto the commissioner or receiver of the duties of impost, and to be employed for the ends and uses aforesaid.

[SECT. 19.] And the said commissioner is hereby impowered to appoint a meet and suitable person to repair unto and on board any ship or vessel to take the exact measure or tunnage thereof, in case he shall suspect that the register of such ship or vessel doth not express and set forth the full burthen of the same; the charge thereof to be paid by the master or owner of such ship or vessel before she be cleared, in case she shall appear to be of greater burthen, otherwise, to be paid by the commissioner out of the money received by him for impost, and shall be allowed him accordingly, by the treasurer, in his accompts. And the naval officer shall not clear any vessel until he be also certified by the said commissioner that the duty of tunnage for the same is paid, or that it is such a vessel for which none is payable according to this act.

*And be it further enacted by the authority aforesaid,*

[SECT. 20.] That there be one fit person, and no more, nominated and appointed by this court as a commissioner and receiver of the aforesaid duties of impost and tunnage of shipping, and for the inspection, care and management of the said office, and whatsoever relates thereunto, to receive commission for the same from the governour or commander-in-chief for the time being, with authority to substitute and appoint a deputy receiver in each port besides that wherein he resides, and to grant warrants to such deputy receivers for the said place, and to collect and receive the impost and tunnage of shipping aforesaid, that shall become due within such port, and to render the accompts thereof and pay in the same to the said commissioner and receiver; which said commissioner and receiver shall keep fair books of all entries and duties arising by virtue of this act, also a particular account of every vessel, so that the duties of impost and tunnage arising on the said vessel may appear; and the same to lye open, at all seasonable times, to the view and perusal of the treasurer and receiver-general of this province (or any other person or persons whom this court shall appoint), with whom he shall accompt for all collections and payments, and pay all such monies as shall be in his hands, as the treasurer or receiver-general shall demand. And the said commissioner or receiver, and his deputy or deputies, before their entering upon the execution of their office, shall be sworn to deal truly and faithfully therein, and shall attend in the said office from nine to twelve of the clock in the forenoon, and from two to five of the clock in the afternoon.

[SECT. 21.] And the said commissioner and receiver, for his labour, care and expences in the said office, shall have and receive, out of the province treasury, the sum of seventy pounds per annum; and his deputy or deputies to be paid for their service such sum or sums as the said commissioner and receiver, with the treasurer, shall agree upon reasonable terms, not exceeding thirty pounds each; and the treasurer is hereby ordered, in passing and receiving the said commissioner's accompts, accordingly, to allow the payment of such salary or salaries, as aforesaid, to himself and his deputy or deputies.

*Provided,*

[SECT. 22.] That this act shall be and continue in force from the twenty-sixth day of this instant June, until the twenty-sixth day of June, which will be in year of our Lord one thousand seven hundred and thirty-seven, or to the end of the next session of the general court, and no longer.

*Provided, also,*

[SECT. 23.] That the former impost act shall not subsist after this takes place. [*Passed July 6.*]

## CHAPTER 7.

AN ACT FOR APPORTIONING AND ASSESSING A TAX OF TWENTY-NINE THOUSAND NINE HUNDRED AND FIFTY-THREE POUNDS SEVEN SHILLINGS AND SIXPENCE; AND ALSO FOR APPORTIONING AND ASSESSING A FURTHER TAX OF THREE THOUSAND ONE HUNDRED AND THIRTY-FIVE POUNDS FIVE SHILLINGS, PAID THE REPRESENTATIVES FOR THEIR SERVICE AND ATTENDANCE IN GENERAL COURT, AND TRAVEL, ANY ONE THOUSAND SEVEN HUNDRED AND THIRTY-FIVE; AND ALSO FOR APPORTIONING AND ASSESSING A FURTHER TAX OF ONE HUNDRED AND FORTY POUNDS, AS A FINE LAID ON THE SEVERAL TOWNS PARTICULARLY IN THIS ACT MENTIONED, FOR NOT SENDING A REPRESENTATIVE.

WHEREAS the great and general court or assembly of the province of the Massachusetts Bay in New England, at their sessions in the years hereafter mentioned, did pass several grants of taxes on polls and estates as funds and security for the payment and drawing in several sums in the bill of credit on this province ordered to be imprinted, repeated and issued out of the publick treasury for the service of the government; that is to say, at their session held in the month of May, one thousand seven hundred and twenty-seven, the sum of ten thousand pounds;\* at their session in May, one thousand seven hundred and thirty-one, the sum of three thousand eight hundred pounds; at their session held, by adjournment, in November, one thousand seven hundred and thirty-three, the sum of eleven thousand seven hundred and twenty-five pounds; at their session in May, one thousand seven hundred and thirty-four, the sum of eight thousand three hundred and seventy-one pounds thirteen shillings and fourpence; at their session in May, one thousand seven hundred and thirty-five, the sum of ten thousand and eighty-nine pounds fourteen shillings and tenpence; and the further sum of three thousand one hundred and thirty-five pounds five shillings, paid the representatives, applied to the ends and uses in the said grants particularly enumerated and expressed; and furthermore have, at their present session, laid one hundred and forty pounds as a fine on several towns for not sending a representative; and by the acts and resolves of the courts that made the aforesaid grants, it was ordered that the sum of forty-seven thousand two hundred and sixty-one pounds thirteen shillings and twopence, inclusive of the sum paid the representatives, and also the fine abovementioned, shall be apportioned, assessed and leyed on polls, and estates both real and personal, within the province, according to such rules, and in such proportion upon the several towns and districts within the same, as shall be agreed on and ordered by this court at their present session; wherefore, for the ordering, directing and effectual drawing in the sum of thirty-three thousand two hundred and twenty-eight pounds twelve shillings and sixpence, which, with the sum of thirteen thousand eight hundred and ninety-three pounds and eightpence, to be drawn in by the duties of impost, tunnage of shipping and excise, together with the income of the bills let out and the lighthouse, will make the said sum of forty-seven thousand two hundred and sixty-one pounds thirteen shillings and twopence, pursuant to the funds and grants aforesaid, which is unanimously approved, ratified and confirmed; we, his majesty's most loyal and dutiful subjects, the representatives in general court assembled, pray that it may be enacted,—

\* NOTE to 1727-28, resolve (c).

*And be it accordingly enacted by His Excellency the Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

[SECT. 1.] That each town and district within this province be assessed and pay, as such town's and district's proportions of the afore-said sum of thirty-three thousand two hundred and twenty-eight pounds twelve shillings and sixpence, the several sums following; that is to say,—

## IN THE COUNTY OF SUFFOLK.

	PAID THE REPRESENTATIVES.	£100 16s. 0d.	PROVINCE TAX.	£5,400 0s. 0d.	SUM TOTAL. £5,600 16s. 0d.
Boston, . .	One hundred pounds sixteen shillings, . .	25 4 0	Five thousand four hundred pounds, . .	261 10 0	286 14 0
Roxbury, . .	Twenty-five pounds four shillings, . .	25 4 0	Two hundred sixty-one pounds ten shillings, . .	267 10 0	282 14 0
Dorchester, . .	Thirty-five pounds four shillings, . .	30 18 0	Two hundred eighty-four pounds, . .	284 0 0	314 18 0
Hingham, . .	Thirty pounds eighteen shillings, . .	30 9 0	Two hundred forty-five pounds two shillings and sixpence, . .	245 2 6	275 11 6
Branintree, . .	Thirty pounds nine shillings, . .	30 9 0	One hundred ninety-eight pounds twelve shillings and sixpence, . .	198 12 6	229 1 6
Dedham, . .	Thirty pounds eighteen shillings, . .	30 18 0	One hundred twenty-seven pounds two shillings and sixpence, . .	127 2 6	158 0 6
Medfield, . .	Thirty pounds three shillings, . .	30 3 0	Ninety-one pounds seven shillings and sixpence, . .	91 7 6	121 10 6
Weymouth, . .	Twenty-eight pounds eleven shillings, . .	28 11 0	One hundred and sixty-seven pounds, . .	167 0 0	195 11 0
Milton, . .	Twenty-five pounds four shillings, . .	25 4 0	One hundred twenty-five pounds seven shillings and sixpence, . .	125 7 6	150 11 6
Wrentham, . .	Twenty-nine pounds five shillings, . .	29 5 0	One hundred eighty-eight pounds two shillings and sixpence, . .	188 2 6	217 7 6
Stoughton, . .	Thirty pounds eighteen shillings, . .	30 18 0	One hundred forty-nine pounds two shillings and sixpence, . .	149 2 6	180 0 6
Hull, . .	Twenty-five pounds four shillings, . .	25 4 0	Fifty-two pounds seventeen shillings and sixpence, . .	52 17 6	82 17 6
Brooklin, . .	Twenty-eight pounds nineteen shillings, . .	28 19 0	Ninety-eight pounds five shillings, . .	98 5 0	123 9 0
Needham, . .	Twenty-eight pounds nineteen shillings, . .	28 19 0	One hundred and eleven pounds seven shillings and sixpence, . .	111 7 6	140 6 6
Bellingham, . .	Twenty-eight pounds nineteen shillings, . .	28 19 0	Fifty-four pounds ten shillings, . .	54 10 0	84 10 0
Walpole, . .	Twenty-eight pounds nineteen shillings, . .	28 19 0	Fifty-one pounds seventeen shillings and sixpence, . .	51 17 6	81 17 6
		£472 2s. 0d.		£7,863 15s. 0d.	£8,335 17s. 0d.

## IN THE COUNTY OF ESSEX.

	PAID THE REPRESENTATIVES.	£61 16s. 0d.	PROVINCE TAX.	£862 10s. 0d.	SUM TOTAL. £924 6s. 0d.
Salem, . .	Sixty-one pounds sixteen shillings, . .	63 12 0	Eight hundred sixty-two pounds ten shillings, . .	845 0 0	908 12 0
Ipswich, . .	Sixty-three pounds twelve shillings, . .	32 14 0	Eight hundred forty-five pounds, . .	708 15 0	741 9 0
Newbury, . .	Thirty-two pounds fourteen shillings, . .	30 12 0	Seven hundred and eight pounds fifteen shillings, . .	600 0 0	660 12 0
Marblehead, . .	Sixty pounds twelve shillings, . .	60 12 0	Six hundred pounds, . .	287 12 6	318 1 6
Lynn, . .	Thirty pounds nine shillings, . .	31 16 0	Two hundred eighty-seven pounds twelve shillings and sixpence, . .	348 17 6	380 13 6
Andover, . .	Thirty-one pounds sixteen shillings, . .	31 7 0	Three hundred forty-eight pounds seventeen shillings and sixpence, . .	234 7 6	265 14 6
Beverly, . .	Thirty-one pounds seven shillings, . .	31 16 0	Two hundred thirty-four pounds seven shillings and sixpence, . .	227 10 0	259 6 0
Rowley, . .	Thirty-one pounds sixteen shillings, . .	33 12 0	Two hundred twenty-seven pounds ten shillings, . .	265 0 0	298 12 0
Salisbury, . .	Thirty-three pounds twelve shillings, . .		Two hundred sixty-five pounds, . .		



	£30	6s. 0d.	Two hundred eighty-one pounds twelve shillings and six pence,	£281	12s. 6d.	£311	18s. 6d.
Haverhill, .			Thirty pounds six shillings, . . . . .				
Gloucester, .			Thirty-two pounds fourteen shillings, . . . . .	32	14 0	392	12 6
Topsheld, .			Thirty pounds, . . . . .	30	0 0		
Boxford, .			Thirteen pounds ten shillings, . . . . .	13	10 0	108	17 6
Alisbury, .			Thirty-three pounds twelve shillings, . . . . .	33	12 0	137	0 0
						235	0 0
Bradford, .			Thirty-two pounds fourteen shillings, . . . . .	32	14 0		
Wenham, .			Thirty-one pounds ten shillings, . . . . .	31	10 0	127	12 6
Manchester, .						102	2 6
Methuen, .						85	10 0
Middleton, .						91	5 0
Kumford, .						78	10 0
						37	10 0
	£582	0s. 0d.				£6,057	5s. 0d.
							£6,639 5s. 0d.

## IN THE COUNTY OF MIDDLESEX.

	£50	8s. 0d.	One hundred ninety-six pounds two shillings and sixpence,	£196	2s. 6d.	£246	10s. 6d.
Cambridge, .			Five hundred ninety-five pounds seventeen shillings and sixpence, . . . . .	505	17 6		
Charlestown, .	25	4 0	Two hundred thirty-one pounds fifteen shillings, . . . . .	231	15 0	591	1 6
Watertown, .	25	4 0	Two hundred seventy-four pounds ten shillings, . . . . .	274	10 0	256	19 0
Concord, .						305	8 0
Weston, .	30	18 0	One hundred and eleven pounds twelve shillings and sixpence, . . . . .	111	12 6		
Woburn, .	30	0 0	Two hundred fourteen pounds fifteen shillings, . . . . .	244	15 0	142	10 6
Reading, .	30	0 0	Two hundred and four pounds two shillings and sixpence, . . . . .	204	2 6	244	15 0
Sudbury, .	30	18 0	Two hundred forty-two pounds seven shillings and sixpence, . . . . .	242	7 6	234	2 6
Marlborough, .	31	16 0	Two hundred and one pounds two shillings and sixpence, . . . . .	201	2 6	273	5 6
			One hundred fifty-one pounds seventeen shillings and sixpence, . . . . .			232	18 6
Lexington, .	20	0 0	One hundred eighty-four pounds five shillings, . . . . .	151	17 6		
Newton, .	25	4 0	One hundred seventy-two pounds ten shillings, . . . . .	184	5 0	181	17 6
Malden, .	25	4 0	One hundred thirty-eight pounds seven shillings and sixpence, . . . . .	172	10 0	209	9 0
						197	14 0
Chelmsford, .	21	12 0	One hundred fifty-four pounds five shillings, . . . . .	138	7 6	159	19 6
Billerica, .	30	18 0	Ninety pounds five shillings, . . . . .	154	5 0	185	3 0
Sherburn, .	30	7 0		90	5 0	120	12 0

## IN THE COUNTY OF MIDDLESEX.—Continued.

	PAID THE REPRESENTATIVES.	£0 0s. 0d.	PROVINCE TAX.		SUM TOTAL. £61 7s. 6d.	£61 7s. 6d.
			Sixty-one pounds seven shilling and sixpence, One hundred seventy-three pounds seventeen shillings and sixpence.	Sixty-one pounds seven shilling and sixpence, One hundred seventy-three pounds seventeen shillings and sixpence.		
Holliston, .	. . . . .	. . . . .			173 17 6	197 11 6
Groton, .	Twenty-three pounds fourteen shillings,	23 14 0			177 2 6	228 18 6
Framingham,	Thirty-one pounds sixteen shillings,	31 16 0			95 10 0	120 14 0
Medford, .	Twenty-five pounds four shillings,	25 4 0			85 5 0	105 5 0
Stow, .	. . . . .	0 0 0			54 5 0	80 7 0
Dunstable, .	Twenty-six pounds two shillings,	26 2 0			55 0 0	75 0 0
Dracut, .	. . . . .	0 0 0			62 15 0	62 15 0
Stonham, .	. . . . .	0 0 0			88 17 6	120 4 6
Littleton, .	Thirty-one pounds seven shillings,	31 7 0			75 0 0	107 14 0
Hopkinton, .	Thirty-two pounds fourteen shillings,	32 14 0			67 2 6	67 2 6
Bedford, .	. . . . .	0 0 0			38 12 6	38 12 6
Nottingham, .	. . . . .	0 0 0			49 12 6	49 12 6
Tewksbury, .	. . . . .	0 0 0			32 15 0	32 15 0
Acton, .	. . . . .	0 0 0			90 5 0	90 5 0
Westford, .	. . . . .	0 0 0			55 2 6	86 0 6
Willington, .	Thirty pounds eighteen shillings,	30 18 0				
		£650 6s. 0d.			£4,396 5s. 0d.	£5,106 11s. 0d.

## IN THE COUNTY OF HAMPSHIRE.

		£28 10s. 0d.			£298 2s. 6d.	£356 12s. 6d.
Springfield, .	Twenty-eight pounds ten shillings,	28 10 0			233 2 6	267 12 6
Northampton, .	Thirty-four pounds ten shillings,	34 10 0			168 15 0	194 17 0
Hadley, .	Twenty-six pounds two shillings,	26 2 0			139 0 0	165 2 0
Hatfield, .	Twenty-six pounds two shillings,	26 2 0			145 12 6	179 4 6
Westfield, .	Thirty-three pounds twelve shillings,	33 12 0			183 2 6	216 14 6
Sufield, .	Thirty-three pounds twelve shillings,	33 12 0			101 0 0	111 10 0
Enfield, .	Ten pounds ten shillings,	10 10 0			91 17 6	111 17 6
Deerfield, .	. . . . .	0 0 0			48 2 6	48 2 6
Sunderland, .	. . . . .	0 0 0			75 0 0	75 0 0
Northfield, .	. . . . .	0 0 0				
			Three hundred twenty-eight pounds two shillings and six- pence.			
			Two hundred thirty-three pounds two shillings and sixpence,			
			One hundred sixty-nine pounds fifteen shillings,			
			One hundred thirty-nine pounds,			
			One hundred forty-five pounds twelve shillings and sixpence,			
			One hundred eighty-three pounds two shillings and sixpence,			
			One hundred and one pounds,			
			Fined twenty pounds; province tax, ninety-one pounds			
			seventeen shillings and sixpence,			
			Forty-eight pounds two shillings and sixpence,			
			Seventy-five pounds,			

Brimfield, .	. . . . .	£0 0s. 0d.	Seventy-six pounds fifteen shillings, . . . . .	£76 15s. 0d.
Somers, .	. . . . .	0 0 0	Forty-eight pounds seven shillings and sixpence, . . . . .	48 7 6
£192 18s. 0d.				£1,638 17s. 6d. £1,851 15s. 6d.

## IN THE COUNTY OF WORCESTER.

Worcester, .	Thirty-one pounds one shilling, . . . . .	£31 1s. 0d.	Ninety-seven pounds ten shillings, . . . . .	£97 10s. 0d.	£128 11s. 0d.
Lancaster, .	Thirty pounds eighteen shillings, . . . . .	30 18 0	Two hundred twenty-two pounds ten shillings, . . . . .	222 10 0	253 8 0
Mendon, .	Thirty pounds nine shillings, . . . . .	30 9 0	One hundred forty-six pounds twelve shillings and sixpence, . . . . .	146 12 6	177 1 6
Woodstock, .	Thirty-five pounds eight shillings, . . . . .	35 8 0	One hundred fifty-three pounds, . . . . .	153 0 0	188 8 0
Brookfield, .	Twenty-five pounds four shillings, . . . . .	25 4 0	One hundred twenty-four pounds twelve shillings and sixpence, . . . . .	124 12 6	149 16 6
Southborough, .	. . . . .	0 0 0	Fined twenty pounds ; province tax, eighty-five pounds five shillings, . . . . .	85 5 0	105 5 0
Leicester, .	. . . . .	0 0 0	Seventy-two pounds fifteen shillings, . . . . .	72 15 0	72 15 0
Rutland, .	. . . . .	0 0 0	Forty-five pounds seventeen shillings and sixpence, . . . . .	45 17 6	45 17 6
Lunenburg, .	Twenty-seven pounds twelve shillings, . . . . .	27 12 0	Forty-eight pounds fifteen shillings, . . . . .	48 15 0	76 7 0
Westborough, .	. . . . .	0 0 0	Fined twenty pounds ; province tax, eighty-five pounds seventeen shillings and sixpence, . . . . .	85 17 6	105 17 6
Shrewsbury, .	Thirty pounds eighteen shillings, . . . . .	30 18 0	Eighty-four pounds seven shillings and sixpence, . . . . .	84 7 6	115 5 6
Oxford, .	. . . . .	0 0 0	Fifty-two pounds ten shillings, . . . . .	52 10 0	52 10 0
Sutton, .	Thirty-three twelve shillings, . . . . .	33 12 0	One hundred and four pounds twelve shillings and sixpence, . . . . .	104 12 6	138 4 6
Usbridge, .	. . . . .	0 0 0	Seventy-five pounds fifteen shillings, . . . . .	75 15 0	75 15 0
Harvard, .	. . . . .	0 0 0	Sixty pounds ten shillings, . . . . .	60 10 0	60 10 0
Gratton, .	. . . . .	0 0 0	Fifty-three pounds five shillings, . . . . .	53 5 0	53 5 0
£245 2s. 0d.				£1,313 15s. 0d.	£1,798 17s. 0d.

## IN THE COUNTY OF PLIMOUTH.

Plimouth, .	Twenty-nine pounds fourteen shillings, . . . . .	£29 14s. 0d.	Two hundred ninety-one pounds ten shillings, . . . . .	£291 10s. 0d.	£321 4s. 0d.
Ellipton, .	Thirty-two pounds five shillings, . . . . .	32 5 0	One hundred thirty-one pounds, . . . . .	131 0 0	163 5 0
Seafate, .	Thirty-one pounds sixteen shillings, . . . . .	31 16 0	Three hundred seventy pounds fifteen shillings, . . . . .	370 15 0	402 11 0
Bridgewater, .	Thirty-one pounds sixteen shillings, . . . . .	31 16 0	Three hundred thirty-seven pounds fifteen shillings, . . . . .	337 15 0	369 11 0
Marshfield, .	Thirty-one pounds nineteen shillings, . . . . .	31 19 0	Two hundred six pounds seven shillings and sixpence, . . . . .	206 7 6	238 6 6
Pembroke, .	Twenty-eight pounds ten shillings, . . . . .	28 10 0	One hundred ten pounds seven shillings and sixpence, . . . . .	110 7 6	138 17 6

## IN THE COUNTY OF PLIMOUTH—Continued.

	PAID THE REPRESENTATIVES.	£32 14s. 0d.	PROVINCE TAX.	£110 7s. 6d.	SUM TOTAL.
Duxborough, . .	Thirty-two pounds fourteen shillings <sup>a</sup> , . .	23 14 0	One hundred ten pounds seven shillings and sixpence, . .	292 7 6	£143 1s. 6d.
Middleborough, . .	Twenty-three pounds fourteen shillings <sup>a</sup> , . .		Two hundred thirty-two pounds seven shillings and sixpence, . .	292 7 6	
Rochester, . .	Twenty-nine pounds fourteen shillings, . .	29 14 0	Two hundred nine pounds seventeen shillings and sixpence, . .	299 17 6	296 1 6
Arlington, . .	Thirty-one pounds sixteen shillings, . .	31 16 0	Sixty-five pounds ten shillings, . .	65 10 0	239 11 6
Kingston, . .	. . . . .	0 0 0	Seventy-six pounds seventeen shillings and sixpence, . .	76 17 6	97 6 0
Hanover, . .	. . . . .	0 0 0	Ninety-three pounds seventeen shillings and sixpence, . .	93 17 6	76 17 6
Hallifax, . .	. . . . .	0 0 0	Sixty-three pounds fifteen shillings, . .	63 15 0	93 17 6
		£303 18s. 0d.		£2,300 7s. 6d.	£2,604 5s. 6d.

## IN THE COUNTY OF BRISTOL.

Bristol, . .	Thirty-two pounds two shillings, . .	£32 2s. 0d.	Two hundred twenty-two pounds fifteen shillings, . .	£222 15s. 0d.	£254 17s. 0d.
Taunton, . .	Twenty-nine pounds two shillings, . .	29 2 0	Two hundred seventy-seven pounds twelve shillings and sixpence, . .	277 12 6	306 14 6
Ravulham, . .	Thirty pounds six shillings, . .	30 6 0	Fifty-eight pounds seventeen shillings and sixpence, . .	58 17 6	58 17 6
Norton, . .	. . . . .	0 0 0	One hundred fifty-nine pounds five shillings, . .	159 5 0	189 11 0
Easton, . .	. . . . .	0 0 0	Fifty-two pounds two shillings and sixpence, . .	52 2 6	52 2 6
Dartmouth, . .	Thirty-six pounds six shillings, . .	36 6 0	Four hundred thirty-three seven shillings and sixpence, . .	433 7 6	469 13 6
Dighton, . .	. . . . .	0 0 0	Fined twenty pounds; province tax, one hundred pounds two shillings and sixpence, . .	100 2 6	120 2 6
Rehoboth, . .	Twenty-eight pounds ten shillings, . .	28 10 0	Three hundred and fifty pounds, . .	350 0 0	378 10 0
Little Compton, . .	Twenty-nine pounds eleven shillings <sup>a</sup> , . .	29 11 0	Two hundred eighteen pounds seventeen shillings and sixpence, . .	218 17 6	248 8 6
Swansey and Sluicemant, . .	Thirty pounds eighteen shillings, . .	30 18 0	Two hundred forty-seven pounds ten shillings, . .	247 10 0	278 8 0
Tiverton, . .	Eighteen pounds six shillings, . .	18 6 0	One hundred and twenty pounds, . .	120 0 0	138 6 0
Freetown, . .	Thirty-four pounds four shillings, . .	34 4 0	One hundred pounds ten shillings, . .	100 10 0	134 14 0
Attleborough, . .	Twenty-eight pounds sixteen shillings, . .	28 16 0	One hundred eighty-two pounds twelve shillings and sixpence, . .	182 12 6	211 8 6
Barrington, . .	. . . . .	0 0 0	Eighty-five pounds, . .	85 0 0	85 0 0
Berkley, . .	. . . . .	0 0 0	Sixty-two pounds seven shillings and sixpence, . .	62 7 6	62 7 6
		£298 1s. 0d.		£2,671 0s. 0d.	£2,989 1s. 0d.

## IN THE COUNTY OF BARNSTABLE.

	£35	2s. 0d.	Three hundred thirty-seven pounds, Two hundred thirteen pounds seventeen shillings and six- pence,	£337	0s. 0d.	£372	2s. 0d.
Barnstable, .							
Yarmouth, .	25	4 0	One hundred ninety-five pounds,	213	17 0	239	1 6
Sandwich, .	32	2 0	Two hundred forty-three pounds five shillings,	195	0 0	227	2 0
Eastham, .	33	0 0	Eighty-one pounds,	243	5 0	276	5 0
Turo, .	0	0 0	Thirty-eight pounds ten shillings,	81	0 0	81	0 0
Provincetown, .	0	0 0	One hundred fifty-eight pounds seven shillings and sixpence,	38	10 0	38	10 0
Wareh, .	33	0 0	One hundred twenty-four pounds seventeen shillings and sixpence,	158	7 6	191	7 6
Yarmouth, .	13	16 0	Ninety-three pounds ten shillings,	124	17 6	138	13 6
Chatham, .	0	0 0		93	10 0	93	10 0
	£172	4s. 0d.		£1,485	7s. 6d.	£1,657	11s. 6d.

## IN THE COUNTY OF YORK.

	£36	0s. 0d.		£262	2s. 6d.	£298	2s. 6d.
Thirty-six pounds, . . . . .			Two hundred sixty-two pounds two shillings and sixpence,				
Twenty-five pounds sixteen shillings, . . . . .			Three hundred thirty-eight pounds,	338	0 0	363	16 0
Twenty-eight pounds ten shillings, . . . . .	28	10 0	One hundred seventy-six pounds ten shillings, . . . . .				
Thirty pounds eighteen shillings, . . . . .	30	18 0	One hundred forty-eight pounds ten shillings, . . . . .	176	10 0	205	0 0
Thirty-nine pounds six shillings, . . . . .	39	6 0	One hundred sixty-nine pounds two shillings and sixpence,	148	10 0	179	8 0
Forty pounds, . . . . .	40	0 0	Sixty-six pounds seven shillings and sixpence, . . . . .	169	2 6	208	8 6
Forty-one pounds, . . . . .	41	0 0	Sixty-one pounds seventeen shillings and sixpence, . . . . .	66	7 6	66	7 6
Forty-two pounds, . . . . .	42	0 0	Eighty-six pounds fifteen shillings, . . . . .	61	17 6	61	17 6
Forty-three pounds, . . . . .	43	0 0	Forty-four pounds, . . . . .	86	15 0	86	15 0
Forty-four pounds, . . . . .	44	0 0		44	0 0	44	0 0
Forty-five pounds, . . . . .	45	0 0					
Forty-six pounds, . . . . .	46	0 0					
Forty-seven pounds, . . . . .	47	0 0					
Forty-eight pounds, . . . . .	48	0 0					
Forty-nine pounds, . . . . .	49	0 0					
Fifty pounds, . . . . .	50	0 0					
Fifty-one pounds, . . . . .	51	0 0					
Fifty-two pounds, . . . . .	52	0 0					
Fifty-three pounds, . . . . .	53	0 0					
Fifty-four pounds, . . . . .	54	0 0					
Fifty-five pounds, . . . . .	55	0 0					
Fifty-six pounds, . . . . .	56	0 0					
Fifty-seven pounds, . . . . .	57	0 0					
Fifty-eight pounds, . . . . .	58	0 0					
Fifty-nine pounds, . . . . .	59	0 0					
Sixty pounds, . . . . .	60	0 0					
Sixty-one pounds, . . . . .	61	0 0					
Sixty-two pounds, . . . . .	62	0 0					
Sixty-three pounds, . . . . .	63	0 0					
Sixty-four pounds, . . . . .	64	0 0					
Sixty-five pounds, . . . . .	65	0 0					
Sixty-six pounds, . . . . .	66	0 0					
Sixty-seven pounds, . . . . .	67	0 0					
Sixty-eight pounds, . . . . .	68	0 0					
Sixty-nine pounds, . . . . .	69	0 0					
Seventy pounds, . . . . .	70	0 0					
Seventy-one pounds, . . . . .	71	0 0					
Seventy-two pounds, . . . . .	72	0 0					
Seventy-three pounds, . . . . .	73	0 0					
Seventy-four pounds, . . . . .	74	0 0					
Seventy-five pounds, . . . . .	75	0 0					
Seventy-six pounds, . . . . .	76	0 0					
Seventy-seven pounds, . . . . .	77	0 0					
Seventy-eight pounds, . . . . .	78	0 0					
Seventy-nine pounds, . . . . .	79	0 0					
Eighty pounds, . . . . .	80	0 0					
Eighty-one pounds, . . . . .	81	0 0					
Eighty-two pounds, . . . . .	82	0 0					
Eighty-three pounds, . . . . .	83	0 0					
Eighty-four pounds, . . . . .	84	0 0					
Eighty-five pounds, . . . . .	85	0 0					
Eighty-six pounds, . . . . .	86	0 0					
Eighty-seven pounds, . . . . .	87	0 0					
Eighty-eight pounds, . . . . .	88	0 0					
Eighty-nine pounds, . . . . .	89	0 0					
Ninety pounds, . . . . .	90	0 0					
Ninety-one pounds, . . . . .	91	0 0					
Ninety-two pounds, . . . . .	92	0 0					
Ninety-three pounds, . . . . .	93	0 0					
Ninety-four pounds, . . . . .	94	0 0					
Ninety-five pounds, . . . . .	95	0 0					
Ninety-six pounds, . . . . .	96	0 0					
Ninety-seven pounds, . . . . .	97	0 0					
Ninety-eight pounds, . . . . .	98	0 0					
Ninety-nine pounds, . . . . .	99	0 0					
One hundred pounds, . . . . .	100	0 0					
One hundred one pounds, . . . . .	101	0 0					
One hundred two pounds, . . . . .	102	0 0					
One hundred three pounds, . . . . .	103	0 0					
One hundred four pounds, . . . . .	104	0 0					
One hundred five pounds, . . . . .	105	0 0					
One hundred six pounds, . . . . .	106	0 0					
One hundred seven pounds, . . . . .	107	0 0					
One hundred eight pounds, . . . . .	108	0 0					
One hundred nine pounds, . . . . .	109	0 0					
One hundred ten pounds, . . . . .	110	0 0					
One hundred eleven pounds, . . . . .	111	0 0					
One hundred twelve pounds, . . . . .	112	0 0					
One hundred thirteen pounds, . . . . .	113	0 0					
One hundred fourteen pounds, . . . . .	114	0 0					
One hundred fifteen pounds, . . . . .	115	0 0					
One hundred sixteen pounds, . . . . .	116	0 0					
One hundred seventeen pounds, . . . . .	117	0 0					
One hundred eighteen pounds, . . . . .	118	0 0					
One hundred nineteen pounds, . . . . .	119	0 0					
One hundred twenty pounds, . . . . .	120	0 0					
One hundred twenty one pounds, . . . . .	121	0 0					
One hundred twenty two pounds, . . . . .	122	0 0					
One hundred twenty three pounds, . . . . .	123	0 0					
One hundred twenty four pounds, . . . . .	124	0 0					
One hundred twenty five pounds, . . . . .	125	0 0					
One hundred twenty six pounds, . . . . .	126	0 0					
One hundred twenty seven pounds, . . . . .	127	0 0					
One hundred twenty eight pounds, . . . . .	128	0 0					
One hundred twenty nine pounds, . . . . .	129	0 0					
One hundred thirty pounds, . . . . .	130	0 0					
One hundred thirty one pounds, . . . . .	131	0 0					
One hundred thirty two pounds, . . . . .	132	0 0					
One hundred thirty three pounds, . . . . .	133	0 0					
One hundred thirty four pounds, . . . . .	134	0 0					
One hundred thirty five pounds, . . . . .	135	0 0					
One hundred thirty six pounds, . . . . .	136	0 0					
One hundred thirty seven pounds, . . . . .	137	0 0					
One hundred thirty eight pounds, . . . . .	138	0 0					
One hundred thirty nine pounds, . . . . .	139	0 0					
One hundred forty pounds, . . . . .	140	0 0					
One hundred forty one pounds, . . . . .	141	0 0					
One hundred forty two pounds, . . . . .	142	0 0					
One hundred forty three pounds, . . . . .	143	0 0					
One hundred forty four pounds, . . . . .	144	0 0					
One hundred forty five pounds, . . . . .	145	0 0					
One hundred forty six pounds, . . . . .	146	0 0					
One hundred forty seven pounds, . . . . .	147	0 0					
One hundred forty eight pounds, . . . . .	148	0 0					
One hundred forty nine pounds, . . . . .	149	0 0					
One hundred fifty pounds, . . . . .	150	0 0					
One hundred fifty one pounds, . . . . .	151	0 0					
One hundred fifty two pounds, . . . . .	152	0 0					
One hundred fifty three pounds, . . . . .	153	0 0					
One hundred fifty four pounds, . . . . .	154	0 0					
One hundred fifty five pounds, . . . . .	155	0 0					
One hundred fifty six pounds, . . . . .	156	0 0					
One hundred fifty seven pounds, . . . . .	157	0 0					
One hundred fifty eight pounds, . . . . .	158	0 0					
One hundred fifty nine pounds, . . . . .	159	0 0					
One hundred sixty pounds, . . . . .	160	0 0					
One hundred sixty one pounds, . . . . .	161	0 0					
One hundred sixty two pounds, . . . . .	162	0 0					
One hundred sixty three pounds, . . . . .	163	0 0					
One hundred sixty four pounds, . . . . .	164	0 0					
One hundred sixty five pounds, . . . . .	165	0 0					
One hundred sixty six pounds, . . . . .	166	0 0					
One hundred sixty seven pounds, . . . . .	167	0 0					
One hundred sixty eight pounds, . . . . .	168	0 0					
One hundred sixty nine pounds, . . . . .	169	0 0					
One hundred seventy pounds, . . . . .	170	0 0					
One hundred seventy one pounds, . . . . .	171	0 0					
One hundred seventy two pounds, . . . . .	172	0 0					
One hundred seventy three pounds, . . . . .	173	0 0					
One hundred seventy four pounds, . . . . .	174	0 0					
One hundred seventy five pounds, . . . . .	175	0 0					
One hundred seventy six pounds, . . . . .	176	0 0					
One hundred seventy seven pounds, . . . . .	177	0 0					
One hundred seventy eight pounds, . . . . .	178	0 0					
One hundred seventy nine pounds, . . . . .	179	0 0					
One hundred eighty pounds, . . . . .	180	0 0					
One hundred eighty one pounds, . . . . .	181	0 0					
One hundred eighty two pounds, . . . . .	182	0 0					
One hundred eighty three pounds, . . . . .	183	0 0					
One hundred eighty four pounds, . . . . .	184	0 0					
One hundred eighty five pounds, . . . . .	185	0 0					
One hundred eighty six pounds, . . . . .	186	0 0					
One hundred eighty seven pounds, . . . . .	187	0 0					
One hundred eighty eight pounds, . . . . .	188	0 0					
One hundred eighty nine pounds, . . . . .	189	0 0					
One hundred ninety pounds, . . . . .	190	0 0					
One hundred ninety one pounds, . . . . .	191	0 0					
One hundred ninety two pounds, . . . . .	192	0 0					
One hundred ninety three pounds, . . . . .	193	0 0					
One hundred ninety four pounds, . . . . .	194	0 0					
One hundred ninety five pounds, . . . . .	195	0 0					
One hundred ninety six pounds, . . . . .	196	0 0					
One hundred ninety seven pounds, . . . . .	197	0 0					
One hundred ninety eight pounds, . . . . .	198	0 0					
One hundred ninety nine pounds, . . . . .	199	0 0					
Two hundred pounds, . . . . .	200	0 0					
Two hundred one pounds, . . . . .	201	0 0					
Two hundred two pounds, . . . . .	202	0 0					
Two hundred three pounds, . . . . .	203	0 0					
Two hundred four pounds, . . . . .	204	0 0					
Two hundred five pounds, . . . . .	205	0 0					
Two hundred six pounds, . . . . .	206	0 0					
Two hundred seven pounds, . . . . .	207	0 0					
Two hundred eight pounds, . . . . .	208	0 0					
Two hundred nine pounds, . . . . .	209	0 0					
Two hundred ten pounds, . . . . .	210	0 0					
Two hundred ten pounds, . . . . .	210	0 0					
Two hundred eleven pounds, . . . . .	211	0 0					
Two hundred twelve pounds, . . . . .	212	0 0					
Two hundred thirteen pounds, . . . . .	213	0 0					
Two hundred fourteen pounds, . . . . .	214	0 0					
Two hundred fifteen pounds, . . . . .	215	0 0					
Two hundred sixteen pounds, . . . . .	216	0 0					
Two hundred seventeen pounds, . . . . .	217	0 0					
Two hundred eighteen pounds, . . . . .	218	0 0					
Two hundred nineteen pounds, . . . . .	219	0 0					
Two hundred twenty pounds, . . . . .	220	0 0					
Two hundred twenty one pounds, . . . . .	221	0 0					
Two hundred twenty two pounds, . . . . .	222	0 0					
Two hundred twenty three pounds, . . . . .	223	0 0					
Two hundred twenty four pounds, . . . . .	224	0 0					
Two hundred twenty five pounds, . . . . .	225	0 0					
Two hundred twenty six pounds, . . . . .	226	0 0					
Two hundred twenty seven pounds, . . . . .	227	0 0					
Two hundred twenty eight pounds, . . . . .	228	0 0					
Two hundred twenty nine pounds, . . . . .	229	0 0					
Two hundred thirty pounds, . . . . .	230	0 0					
Two hundred thirty one pounds, . . . . .	231	0 0					
Two hundred thirty two pounds, . . . . .	232	0 0					
Two hundred thirty three pounds, . . . . .	233	0 0					
Two hundred thirty four pounds, . . . . .	234	0 0					
Two hundred thirty five pounds, . . . . .	235	0 0					
Two hundred thirty six pounds, . . . . .	236	0 0					
Two hundred thirty seven pounds, . . . . .	237	0 0					
Two hundred thirty eight pounds, . . . . .	238	0 0					
Two hundred thirty nine pounds, . . . . .	239	0 0					
Two hundred forty pounds, . . . . .	240	0 0					
Two hundred forty one pounds, . . . . .	241	0 0					
Two hundred forty two pounds, . . . . .	242	0 0					
Two hundred forty three pounds, . . . . .	243	0 0					
Two hundred forty four pounds, . . . . .	244	0 0					
Two hundred forty five pounds, . . . . .	245	0 0					
Two hundred forty six pounds, . . . . .	246	0 0					
Two hundred forty seven pounds, . . . . .	247	0 0					
Two hundred forty eight pounds, . . . . .	248	0 0					
Two hundred forty nine pounds, . . . . .	249	0 0					
Two hundred fifty pounds, . . . . .	250	0 0					
Two hundred fifty one pounds, . . . . .	251	0 0					
Two hundred fifty two pounds, . . . . .	252	0 0					



## IN THE COUNTY OF DUKES COUNTY.

	PAID THE REPRESENTATIVES.	£26 2s. 0d.	PROVINCE TAX.	£120 0s. 0d.	SUM TOTAL.
Edgartown,	Twenty-six pounds two shillings, . . .	£26 0 0	One hundred and twenty pounds, . . .	163 17 6	£146 23s. 0d.
Chilmark, .	. . . . .	0 0 0	One hundred sixty-three pounds seventeen shillings and sixpence, . . .	68 12 6	163 17 6
Tisbury, .	. . . . .	0 0 0	Sixty-eight pounds twelve shillings and sixpence, . . .	68 12 6	68 12 6
		£26 2s. 0d.		£352 10s. 0d.	£378 12s. 0d.

## IN NANTUCKET COUNTY.

	£32 2s. 0d.	Three hundred twenty-one pounds, . . . . .	£321 0s. 0d.	£353 2s. 0d.
Sherburne,	Thirty-two pounds two shillings, . . .			

	REPRESENTA- TIVES' PAY.	PROVINCE TAX.	FINES.	SUM TOTAL.
Suffolk, . . . . .	£472 2s. 0d.	£7,863 15s. 0d.	£0 0s. 0d.	£8,335 17s. 0d.
Essex, . . . . .	582 0 0	6,057 5 0	0 0 0	6,639 5 0
Middlesex, . . . . .	650 6 0	4,396 5 0	60 0 0	5,106 11 0
Hampshire, . . . . .	192 18 0	1,638 17 6	20 0 0	1,851 15 6
Worcester, . . . . .	245 2 0	1,513 15 0	40 0 0	1,798 17 0
Plimouth, . . . . .	303 18 0	2,300 7 6	0 0 0	2,604 5 6
Bristol, . . . . .	298 1 0	2,671 0 0	20 0 0	2,989 1 0
Barnstable, . . . . .	172 4 0	1,485 7 6	0 0 0	1,657 11 6
York, . . . . .	160 10 0	1,353 5 0	0 0 0	1,513 15 0
Dukes County, . . . . .	26 2 0	352 10 0	0 0 0	378 12 0
Nantucket, . . . . .	32 2 0	321 0 0	0 0 0	353 2 0
	£3,135 5s. 0d.	£29,953 7s. 6d.	£140 0s. 0d.	£33,228 12 6

*And be it further enacted by the authority aforesaid,*

[SECT. 2.] That the treasurer do forthwith send out his warrants, directed to the selectmen or assessors of each town or district within this province, requiring them, respectively, to assess the sum hereby set upon such town and district, in manner following; that is to say, to assess all rateable male polls above the age of sixteen years, at seven shillings and sixpence per poll, and proportionably in assessing the fines mentioned in this act, and the said additional sum received out of the treasury for the payment of the representatives, (except the governour, lieutenant-governour and their families, the president, fellows and students of Harvard College, settled ministers and grammar-school masters who are hereby exempted as well from being taxed for their polls, as for their estates being in their own hands and under their actual management and improvement); and other persons (if such there be) who, through age, infirmity or extream poverty, in the judgement of the assessors, are not capable to pay towards publick charges, they may except their polls and so much of their estates, as in their prudence they shall think fit and judge meet.

[SECT. 3.] And the justices in general sessions in the respective counties assembled, in granting a county tax or assessment, are hereby ordered and directed to apportion the same on the several towns in such county in proportion to their province rate, exclusive of what has been paid out of the publick treasury to the representative of such town for his service, and the fines set on sundry towns as aforesaid; and the assessors of each town in the province are also directed in making any assessment, to govern themselves by the same rule; and all estates, both real and personal, lying within the limits and bounds of such town or district, or next unto the same, not paying elsewhere, in whose hand, tenure, occupation or possession soever the same is or shall be found, and income by trade or faculty which any person or persons (except as before excepted) do or shall exercise in gaining, by money or other estate not particularly otherwise assessed, or commissions of profit in their improvement, according to their understanding and cunning, at one penny on the pound; and to abate or multiply the same if need be, so as to make up the sum hereby set and ordered for such town or district to pay; and in making their assessments to estimate houses and lands at six years' income of the yearly rents in money whereat the same may be reasonably set or let for in the places where they lie: *saving* all contracts between landlord and tenant, and where no such contract is, the landlord to reimburse one-half of the tax set upon such houses and lands; and to estimate Indian, negro and molatto servants proportionably as other personal estate, according to their sound judgment and discretion; as also to estimate every ox of

four years old and upwards, at forty shillings; every cow of three years old and upwards, at thirty shillings; every horse and mare of three years old and upwards, at forty shillings; every swine of one year old and upward, at eight shillings; every goat at one year old and upward, at three shillings; and sheep within the counties of Dukes county, and Nantucket, at the age aforesaid, at three shillings: likewise requiring the assessors to make a fair list of the said assessment, setting forth, in distinct columns, against each particular person's name, how much he or she is assessed at for polls, and how much for houses and lands, and how much for personal estate and income by trade or faculty; and the list or lists so perfected and signed by them, or the major part of them, to commit to the collectors, constable or constables of such town or district, and to return a certificate of the name or names of such collectors, constable or constables, together with the sum total to each of them respectively committed, unto himself, some time before the last day of October next.

[SECT. 4.] And the treasurer for the time being, upon receipt of such certificate, is hereby impowered and ordered to issue forth his warrants to the collectors, constable or constables of such town or district, requiring him or them, respectively, to collect the whole of each respective sum assessed on each particular person, before the last day of March next; and of the inhabitants of the town of Boston, to collect their proportion some time in the month of January next; and to pay in their collections, and issue the accompts of the whole, at or before the last day of May next, which will be in the year of our Lord one thousand seven hundred and thirty-seven.

*And be it further enacted by the authority aforesaid,*

[SECT. 5.] That the assessors of each town and district, respectively, in convenient time before their making the assessment, shall give seasonable warning to the inhabitants, in a town meeting, or by posting up notifications in some place or places in such town or district, or otherwise to notify the inhabitants to give or bring in to the assessors true and perfect lists of their polls and rateable estates; and if any person or persons shall neglect or refuse so to do, or bring in a false list, it shall be lawful to and for the assessors to assess such person or persons, according to their known ability in such town, in their sound judgment and discretion, their due proportion to this tax, as near as they can, agreeable to the rules herein given, under the penalty of twenty shillings for each person that shall be convicted by legal proof, in the judgment of the assessors, of bringing in a false list; the said fines to be for the use of the poor of such town or district where the delinquent lives, to be levied by warrant from the assessors, directed to the collector or constables, in manner as is directed for gathering town assessments, and to be paid in to the town treasurer or selectmen for the use aforesaid: *saving* to the party agrieved at the judgment of the assessors in setting forth such fine, liberty of appeal therefrom to the court of general sessions of the peace within the county, for relief, as in case of being overrated. And if any person or persons shall not bring in a list of their estate as aforesaid to the assessors, he or they so neglecting, shall not be admitted to make application to the court of sessions for any abatement of the assessment laid on him.

[SECT. 6.] And if the party be not convicted of any falseness in the list, by him presented, of polls, rateable estate, or income by any trade or faculty which he doth or shall exercise in gaining, by money at interest or otherwise, or other estate not particularly assessed, such list shall be a rule for such person's proportion to the tax, which the assessors may not exceed.

*And forasmuch*, as oftentimes sundry persons not belonging to this prov-

ince, bring considerable trade and merchandize, and by reason that the tax or rate of the town where they come to trade or traffick is finished, and delivered to the constables or collectors, and, before the next year's assessment, are gone out of the province, and so pay nothing towards the support of the government, tho' in the time of their residing here they reaped considerable gain by trade, and had the protection of the government,—

*Be it further enacted by the authority aforesaid,*

[SECT. 7.] That when any such person or persons shall come and reside in any town of this province, and bring any merchandize, and trade and deal therewith, the assessors of such town are hereby empowered to rate and assess all such persons according to their circumstances, pursuant to the rules and directions in this act provided, tho' the former rate may have been finished, and the new one not perfected, as aforesaid; and the constables or collectors are hereby enjoined to levy and collect all such sums committed unto them, and pay the same into the town treasury. [*Passed July 6, 1736.*]

# ACTS

PASSED AT THE SESSION BEGUN AND HELD AT BOSTON,  
ON THE TWENTY-FOURTH DAY OF NOVEMBER, A.D. 1736.

## CHAPTER 8.

AN ACT FOR SUPPLYING THE TREASURY WITH THE SUM OF EIGHTEEN THOUSAND POUNDS IN BILLS OF CREDIT OF THE PRESENT FORM AND TENOR, AND NINE THOUSAND POUNDS IN BILLS OF CREDIT OF A NEW FORM, FOR DISCHARGING THE PUBLICK DEBTS, &c.; AND FOR ESTABLISHING THE WAGES OF SUNDRY PERSONS, &c., IN THE SERVICE OF THE PROVINCE, AND FOR THE MORE EASY AND EFFECTUAL DRAWING IN THE SAID EIGHTEEN THOUSAND POUNDS INTO THE TREASURY AGAIN; AND FOR THE APPORTIONING THE SAID NINE THOUSAND POUNDS ON THE SEVERAL AND RESPECTIVE TOWNS IN THE PROVINCE.

*Be it enacted by His Excellency the Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

Supply of  
£18,000.

Uses thereof.

[SECT. 1.] That the treasurer be and hereby is impow[er]ed and directed to issue forth and emit the sum of eighteen thousand pounds in bills of credit on this province, now lying in his hands, and received for taxes, impost, excise, &c.; which sum of eighteen thousand pounds shall be employed for the necessary defence and support of this government, and for the protection and preservation of the inhabitants thereof; the whole of it to be applied for the payment of his majesty's council who served in the general court at their sitting in March last past, and for the payment of the council who served in the general court from the beginning of the session in May, one thousand seven hundred and thirty-six, unto the end of the session or sessions thereof, until May, one thousand seven hundred and thirty-seven, who shall [each] be entitled to ten shillings *per diem*, in bills of credit, to be paid out of the publick treasury upon warrant, according to the directions in the royal charter, certificate to be given by the secretary or his deputy of the number of days of such member's attendance, and travel to and from the said court, twenty miles to be accounted a day's travel; and for the payment of the representatives who served in the general court, at their sitting in March last past; and for the payment of the representatives serving in the general court for the year currant, who shall each be [e]ntitled to six shillings *per diem*, in bills of credit, to be paid out of the publick treasury, upon warrant as aforesaid, certificate to be given by the clerk of the house of representatives of the number of days of such member's attendance and travel to and from said court, twenty miles to be accounted a day's travel; and for the payment of Jeremiah Allen, Esq<sup>r</sup> late treasurer, his accompt of disbursements; and for the payment of stipends, bounties and præmiums established by



law; and for such other matters and things as this court have by law or orders provided for, and for no other purposes whatsoever.

And for a fund and security for drawing in such sum or sums as shall be paid out to the representatives of the several towns in manner as aforesaid,—

*Be it enacted by the authority aforesaid,*

[SECT. 2.] That there be and hereby is granted unto his most excellent majesty, a tax of such sum or sums as shall be paid to the several representatives as aforesaid, to be levied and assessed on the polls and estates of the inhabitants of the several towns, according to what their respective representatives shall so receive; which sums shall be set on the said towns in the next province tax. And the assessors of the said towns shall make their assessment for this tax and apportion the same according to the rule that shall be prescribed by act of the general assembly for assessing the next province tax; and the constables in their respective districts shall pay in the same when they pay in the province tax for the next year; of which the treasurer is hereby directed to keep a distinct and sep[a][c]rate account. Fund.

And as a further fund and security for drawing in the remaining part of the aforesaid sum of eighteen thousand pounds into the treasury again,—

*Be it enacted by the authority aforesaid,*

[SECT. 3.] That there be and hereby is granted unto his most excellent majesty, for the ends and uses aforesaid, a tax of so much as will be remaining and not paid in by the several towns, for so much as their respective representatives shall receive out of the publick treasury, so as to compleat and make the sum of eighteen thousand pounds, to be levied on polls, and estates both real and personal, within this province, according to such rules, and in such proportions on the several towns and districts within the same, as shall be agreed upon and ordered by this court at their session in May, one thousand seven hundred and thirty-seven, and paid into the publick treasury on or before the last day of December then next coming.

And whereas, through the scarcity of bills of credit it may then be difficult for persons to convert the produce of their lands into bills, and pay their rates in them,—

*It is further ordered,*

[SECT. 4.] That the inhabitants of this province shall have liberty, if they see fit, to pay the several sums for which they respectively may, in pursuance of this act, be assessed, either in silver, one ounce whereof shall be received in lieu of twenty shillings of the tax, and so in proportion for a greater or less sum, or in publick bills of the form and tenour in this act provided, to be imprinted and issued at the rate and proportion of one to three, or in hemp or flax at such moderate rates and prizes as the general assembly shall set[t] them at; which species shall be received by the treasurer, of the several constables and collectors, and by him forthwith, or as soon as conveniently may be, disposed of, for the most they may fetch in bills of credit on the province, or in silver or gold, for the calling in or redeeming the said bills; and if any loss shall happen by the sale of the aforesaid species, or any other unforeseen accident shall arise, such deficiency shall be made good by a tax of the next year following, so as fully and effectually to call in the whole sum of bills emitted as aforesaid; and if by the sale of the said species there shall be any surplus it shall be and remain a stock in the treasury. Liberty to pay the tax in silver or new bills, &c.

*And be it enacted by the authority aforesaid,*

[SECT. 5.] That the wages of the captain of Castle William shall be at the rate of four pounds four shillings and eightpence per month, from May the twenty-first, one thousand seven hundred and thirty-six, Establishment of wages for the garrison at Castle William.

to the twenty-eighth of February, one thousand seven hundred and thirty-six; of the lieutenant for that term, two pounds eleven shillings and fourpence per month; of the chaplain, two pounds one shilling per month; of the gunner, one pound ten shillings and ninepence per month; of the gunner's mate, one pound six shillings and eightpence per month; of the serjeant, seventeen shillings and tenpence per month; of six quarter gunners, each seventeen shillings and tenpence per month; of three corporals and a drummer, each sixteen shillings per month; of thirty centinels, each thirteen shillings and fourpence per month; and that the several officers of Castle William, aforementioned, together with fifteen centinels only, shall receive wages from the first of March, one thousand seven hundred and thirty-six, to the twentieth of May, one thousand seven hundred and thirty-seven, a[s][t] the several rates abovementioned, and that there be allowed for their subsistence five shillings per week for each man.

*And be it further enacted by the authority aforesaid,*

Country's sloop.

[SECT. 6.] That the wages of the captain of the country's sloop, from the twenty-first of May, one thousand seven hundred and thirty-six, to the twentieth of May, one thousand seven hundred and thirty-seven, shall be at the rate of two pounds per month; of the mate, one pound six shillings and eightpence per month; three sailors, at twenty shillings per month each; for the sloop, six pounds thirteen shillings and fourpence per month.

*And be it further enacted by the authority aforesaid,*

Richmond Fort.

[SECT. 7.] That the wages of the captain of Richmond Fort, from the twenty-first of May, one thousand seven hundred and thirty-six, to the twenty-eighth of February, one thousand seven hundred and thirty-six, shall be at the rate of one pound six shillings and eightpence per month; of one lieutenant, seventeen shillings and tenpence per month; of one serjeant, seventeen shillings and tenpence per month; of two corporals, sixteen shillings per month each; of sixteen centinels, each thirteen shillings and fourpence per month; of one armourer, two pounds per month; of one interpreter, two pounds per month; one truck-master, forty pounds per annum; and for the chaplain there, thirty-three pounds six shillings and eightpence per annum; and that from the first of March, one thousand seven hundred and thirty-six, to the twentieth of May, one thousand seven hundred and thirty-seven, the wages of the captain of said Richmond Fort, shall be at the rate of one pound six shillings and eightpence per month; of one lieutenant, seventeen shillings and tenpence per month; of one corporal, sixteen shillings per month; of nine centinels, each thirteen shillings and fourpence per month; of one armourer, two pounds per month; of one interpreter, two pounds per month; one truck-master at forty pounds per annum; and for the chaplain there, thirty-three pounds six shillings and eightpence per annum.

*And be it further enacted by the authority aforesaid,*

Truck-house at  
George's River.

[SECT. 8.] That the wages of the captain of the truck-house on George's River, from May the twenty-first, one thousand seven hundred and thirty-six, to February the twenty-eighth, one thousand seven hundred and thirty-six, shall be at the rate of one pound six shillings and eightpence per month; of one lieutenant, seventeen shillings and tenpence per month; of one serjeant, seventeen shillings and tenpence per month; of two corporals, each sixteen shillings per month; of sixteen centinels, thirteen shillings and fourpence each per month; of one armourer, two pounds per month; of one interpreter, two pounds per month; to the truck-master, after the rate of forty pounds per annum; and to the chaplain, after the rate of thirty-three pounds six shillings and eightpence per annum; and that from the first of March,

one thousand seven hundred and thirty-six, to the twentieth of May, one thousand seven hundred and thirty-seven, the wages of the captain of the said truck-house on George's River, shall be at the rate of one pound six shillings and eightpence per month; of one lieutenant, seventeen shillings and tenpence per month; of one corporal, sixteen shillings per month; of ten centinels, each thirteen shillings and fourpence per month; of one armourer, two pounds per month; of one interpreter, two pounds per month; to the truck-master, after the rate of forty pounds per annum; and to the chaplain, after the rate of thirty-three pounds six shillings and eightpence per annum.

*And be it further enacted by the authority aforesaid,*

[SECT. 9.] That the wages of the captain of the truck-house at Saco, Truck-house at  
Saco River. from May the twenty-first, one thousand seven hundred and thirty-six, to the twenty-eighth of February, one thousand seven hundred and thirty-six, shall be at the rate of one pound six shillings and eightpence per month; of the lieutenant, seventeen shillings and tenpence per month; of the corporal, sixteen shillings per month; of thirteen centinels, thirteen shillings and fourpence each per month; of an interpreter, two pounds per month; of one armourer, two pounds per month; of the truck-master, at the rate of thirty-three pounds six shillings and eightpence per annum; and that the several officers at the said truck-house as abovementioned, together with eight centinels only receive wages from the first of March, one thousand seven hundred and thirty-six, to the twentieth of May, one thousand seven hundred and thirty-seven, according to the rates abovementioned.

*And be it further enacted by the authority aforesaid,*

[SECT. 10.] That the wages of the captain of Frederick's Fort, Frederick Fort. from the twenty-first of May, one thousand seven hundred and thirty-six, to the twenty-eighth of February, one thousand seven hundred and thirty-six, shall be at the rate of one pound six shillings and eightpence per month; of the lieutenant, seventeen shillings and tenpence per month; of the corporal, sixteen shillings per month; and of fifteen centinels, each thirteen shillings and fourpence per month.

*And be it further enacted by the authority aforesaid,*

[SECT. 11.] That the wages of the captain of the fort at Brunswick, Brunswick Fort. from May the twenty-first, one thousand seven hundred and thirty-six, to the twenty-eighth of February, one thousand seven hundred and thirty-six, shall be at the rate of one pound six shillings and eightpence per month; of the lieutenant, seventeen shillings and tenpence per month; of one corporal, sixteen shillings per month; and of thirteen centinels, each thirteen shillings and fourpence per month.

*And be it further enacted by the authority aforesaid,*

[SECT. 12.] That the wages of the captain of the block-house above Northfield, Block-house  
above North-  
field. from May the twenty-first, one thousand seven hundred and thirty-six, to the twenty-eighth of February, one thousand seven hundred and thirty-six, shall be at the rate of one pound six shillings and eightpence per month; of the lieutenant, seventeen shillings and tenpence per month; of one serjeant, seventeen shillings and tenpence per month; of one corporal, sixteen shillings per month; of sixteen centinels, each thirteen shillings and fourpence per month; the truck-master, at the rate of thirty-three pounds six shillings and eightpence per annum; and the chaplain, at the rate of thirty-three pounds six shillings and eightpence per annum; and from the first of March, one thousand seven hundred and thirty-six, to the twentieth of May, one thousand seven hundred and thirty-seven, the wages of the captain of the said block-house shall be at the rate of one pound six shillings and eightpence per month; of the lieutenant, seventeen shillings and tenpence per month; of one corporal, sixteen shillings per month; of twelve centi-

nels, each thirteen shillings and fourpence per month; the truckmaster, at the rate of thirty-three pounds six shillings and eightpence per annum; and the chaplain at the rate of thirty-three pounds six shillings and eightpence per annum; and that there be allowed for the subsistence of each man, two shillings and eightpence per week.

Oath to be made to the muster-roll.

*And be it further enacted by the authority aforesaid,*

[SECT. 13.] That before payment of any muster-roll be allowed, oath be made by the officer or person presenting such roll, as heretofore, as to the service of the officers and soldiers before the publication of this act, and that the officers and soldiers born[e] on said rolls after the publication of this act, have been in actual service for the whole time they stand entered thereon.

*And be it further enacted by the authority aforesaid,*

£9,000 of bills of credit of a new form to be made.

[SECT. 14.] That there be forthwith imprinted a certain number of bills of credit on this province, in the sums following; vizt., tenpence, one shilling and eightpence, three shillings and fourpence, six shillings and eightpence, ten shillings, twenty shillings, thirty shillings and forty shillings, which in the whole shall amount to the sum of nine thousand pounds, and no more; which bills shall be stamp'd with such stamps as the governour and council shall project and direct, and be sign[e]d by a committee to be nominated and appointed by this court, they or any three of them, and of the following tenour:—

Tenor of the bills.

Twenty Shillings.

Twenty Shillings.

This bill of twenty shillings, due from the province of the Massachusetts Bay, in New England, to the possessor thereof, shall be in value equal to three ounces of coin'd silver, Troy weight, of sterling alloy, or gold coin at the rate of four pounds eighteen shillings per ounce; and shall be accordingly accepted by the treasurer and receivers subordinate to him in all payments (the duties of impost of tun[n]age of ship[p]ing and incomes of the light-house only excepted), and for any stock at any time in the treasury.

Boston,  
assembly.

By order of the great and general court or

Twenty Shillings.

Twenty Shillings.

} Committee.

—and so, *mutatis mutandis*, for a greater or less sum. And the said committee are hereby directed and impowered to take care and make effectual provision, so soon as may be, to imprint the bills to the aforesaid sum of nine thousand pounds, and to sign and deliver the said sum to the treasurer, taking his receipt for the same; and the said committee shall be under oath for the faithful[1] performance of the trust by this act reposed in them, and be rewarded for their service as by this court shall be determined.

*And be it further enacted by the authority aforesaid,*

£2,706 18s. and 11d. appropriated for the garrisons, &c.

[SECT. 15.] That the treasurer be and hereby is impowered and ordered to issue forth and emit the said nine thousand pounds for the necessary defence and support of the government, and for the protection and preservation of the inhabitants thereof; vizt., the sum of two thousand seven hundred and six pounds eighteen shillings and elevenpence, part of the aforesaid sum of nine thousand pounds, to be applied to pay the wages and other sums now due, or that may be due by virtue of the establishment of Castle William, the country's sloop, Richmond Fort, George's Truck-House, Frederick's Fort, Saco Truck-House, Brunswick Fort, and the block-house above Northfield; and six thousand one hundred twenty-seven pounds one shilling and one penny more, part thereof, shall be applied for the payment of grants which

£6,127 18s. and 1d. for grants, matters where there is no es-



shall be made by this court, and for such other matters and things as this court shall either by law or orders provide for the payment of, out of the publick treasury, and for the discharge of other debts owing from this province to persons who have served or shall serve them by order of this court, in such matters and things where there is no establishment, nor any certain sum assigned for such service, and for paper, printing and writing for this court, the expences of committees of council, or of the house, or of both houses, entertainments of Indians, and presents made them by this court, the surgeons for Castle William, wooding Castle William, the treasurer's usual disbursements for forts, truck-houses and the sloop in the country's service. &c.

And whereas, there are sometimes publick entertainments, and from time to time contingent and unforeseen charges that demand prompt payment,—

*Be it further enacted by the authority aforesaid,*

[SECT. 16.] That one hundred and sixty-six pounds, the remaining part of the aforesaid nine thousand pounds, be applied to defrey and pay such entertainments and contingent charges, and for no other use whatsoever. £166 for contingent charges.

*And be it further enacted by the authority aforesaid,*

[SECT. 17.] That if there be a surplusage in any sum appropriated, such surplusage shall lye in the treasury for the further order of this court. Surplusage to lie for further order.

*And be it further enacted by the authority aforesaid,*

[SECT. 18.] That each and every warrant for drawing money out of the treasury, shall direct the treasurer to take the same out of such sums as are respectively appropriated for the payment of such publick debts as the draughts are made to discharge: and the treasurer is hereby directed and ordered to pay such money out of such appropriation as directed to, and no other, upon pain of refunding all such sum or sums as he shall otherwise pay; and to keep exact and distinct accompts of all payments made out of such appropriated sum; and that the secretary to whom it belongs to keep the muster-rolls and accompts of charge, be directed to lay before the house all such muster-rolls and accompts when desired, after payment thereof. Warrants to express the appropriation.

*And be it further enacted by the authority aforesaid,*

[SECT. 19.] That as a fund and security for the drawing in and repayment of said bills into the publick treasury, and to no other use and purpose whatsoever, there be and hereby is granted unto his most excellent majesty, a tax of nine thousand pounds, to be levied on polls, and estates both real and personal, and by no other way, within this province; and that each town and district be assessed and pay as such town's and district's proportion of the aforesaid nine thousand pounds, the sum affixed to such towns respectively as follows; that is to say,— Fund of the £9,000 in a tax apportioned on the towns.

#### IN THE COUNTY OF SUFFOLK.

Boston, one thousand six hundred and twenty pounds,	£1,620	0s. 0d.
Roxbury, seventy-eight pounds nine shillings, . . .	78	9 0
Dorchester, seventy-seven pounds five shillings, . . .	77	5 0
Hingham, eighty-five pounds four shillings, . . .	85	4 0
Brantrey, seventy-three pounds ten shillings and nine-pence, . . . . .	73	10 9
Dedham, fifty-nine pounds eleven shillings and nine-pence, . . . . .	59	11 9
Medfield, thirty-eight pounds two shillings and nine-pence, . . . . .	38	2 9
Medway, twenty-seven pounds eight shillings and threepence, . . . . .	27	8 3



Weymouth, fifty pounds two shillings, . . . . .	£50	2s. 0d.
Milton, thirty-seven pounds twelve shillings and three-pence, . . . . .	37	12 3
Wrentham, fifty-six pounds eight shillings and nine-pence, . . . . .	56	8 9
Stoughton, forty-four pounds fourteen shillings and ninepence, . . . . .	44	14 9
Needham, thirty-three pounds eight shillings and three-pence, . . . . .	33	8 3
Bellingham, sixteen pounds seven shillings, . . . . .	16	7 0
Walpole, fifteen pounds eleven shillings and threepence, . . . . .	15	11 3
Hull, fifteen pounds seventeen shillings and threepence, . . . . .	15	17 3
Brookline, twenty-nine pounds nine shillings and six-pence, . . . . .	29	9 6
	£2,359	2s. 6d.

## IN THE COUNTY OF ESSEX.

Salem, two hundred and fifty-eight pounds fifteen shillings, . . . . .	£258	15s. 0d.
Ipswich, two hundred and fifty-three pounds ten shillings, . . . . .	253	10 0
Newbury, two hundred and twelve pounds twelve shillings and sixpence, . . . . .	212	12 6
Marblehead, one hundred and eighty pounds, . . . . .	180	0 0
Lynn, eighty-six pounds five shillings and ninepence, . . . . .	86	5 9
Andover, one hundred and four pounds thirteen shillings and threepence, . . . . .	104	13 3
Beverly, seventy pounds six shillings and threepence, . . . . .	70	6 3
Rowley, sixty-eight pounds five shillings, . . . . .	68	5 0
Salisbury, seventy-nine pounds ten shillings, . . . . .	79	10 0
Haverhill, eighty-four pounds nine shillings and nine-pence, . . . . .	84	9 9
Gloicester, one hundred seventeen pounds fifteen shillings and ninepence, . . . . .	117	15 9
Topsfield, thirty-two pounds thirteen shillings and threepence, . . . . .	32	13 3
Boxford, forty-one pounds two shillings, . . . . .	41	2 0
Almesbury, seventy pounds ten shillings, . . . . .	70	10 0
Bradford, thirty-eight pounds five shillings and nine-pence, . . . . .	38	5 9
Wenham, thirty pounds twelve shillings and ninepence, . . . . .	30	12 9
Manchester, twenty-five pounds thirteen shillings, . . . . .	25	13 0
Methuen, twenty-seven pounds seven shillings and six-pence, . . . . .	27	7 6
Middleton, twenty-three pounds eleven shillings, . . . . .	23	11 0
Rumford, nine pounds, . . . . .	9	0 0
	£1,814	18s. 6d.

## IN THE COUNTY OF MIDDLESEX.

Cambridge, fifty-eight pounds sixteen shillings and nine-pence, . . . . .	£58	16s. 9d.
Charlestown, one hundred sixty-nine pounds fifteen shillings and threepence, . . . . .	169	15 3
Watertown, sixty-nine pounds ten shillings and six-pence, . . . . .	69	10 6
Concord, eighty-two pounds seven shillings, . . . . .	82	7 0
Weston, thirty-three pounds nine shillings and nine-pence, . . . . .	33	9 9

Woburn, sixty-four pounds eight shillings and sixpence,	£64	8s.	6d.
Reading, sixty-one pounds four shillings and ninepence,	61	4	9
Sudbury, seventy-two pounds fourteen shillings and threepence,	72	14	3
Marlboro[ugh], sixty pounds six shillings and ninepence,	60	6	9
Lexington, forty-five pounds eleven shillings and threepence,	45	11	3
Newton, fifty-five pounds five shillings and sixpence,	55	5	6
Malden, fifty-one pounds fifteen shillings,	51	15	0
Chelmsford, forty-one pounds ten shillings and threepence,	41	10	3
Billerica, forty-six pounds five shillings and sixpence,	46	5	6
Sherbourn, twenty-seven pounds one shilling and sixpence,	27	1	6
Holliston, eighteen pounds eight shillings and threepence,	18	8	3
Groton, fifty-two pounds three shillings and threepence,	52	3	3
Frammingham, fifty-three pounds two shillings and ninepence,	53	2	9
Medford, twenty-eight pounds thirteen shillings,	28	13	0
Stow, twenty-five pounds eleven shillings and sixpence,	25	11	6
Dunstable, sixteen pounds five shillings and sixpence,	16	5	6
Dracut, sixteen pounds ten shillings,	16	10	0
Stoneham, eighteen pounds sixteen shillings and sixpence,	18	16	6
Littleton, twenty-six pounds thirteen shillings and threepence,	26	13	3
Hopkinton, twenty-two pounds ten shillings,	22	10	0
Bedford, twenty pounds two shillings and ninepence,	20	2	9
Westford, twenty-seven pounds one shilling and sixpence,	27	1	6
Wilmington, sixteen pounds ten shillings and ninepence,	16	10	9
Nottingham, eleven pounds eleven shillings and ninepence,	11	11	9
Tewksbury, fourteen pounds seventeen shillings and ninepence,	14	17	9
Acton, nine pounds sixteen shillings and sixpence,	9	16	6

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£1,318 17s. 6d.

## IN THE COUNTY OF HAMPSHIRE.

Springfield, ninety-eight pounds eight shillings and ninepence,	£98	8s.	9d.
Northampton, sixty-nine pounds eighteen shillings and ninepence,	69	18	9
Hadley, fifty pounds twelve shillings and sixpence,	50	12	6
Hatfield, forty-one pounds fourteen shillings,	41	14	0
Westfield, forty-three pounds thirteen shillings and ninepence,	43	13	9
Suffield, fifty-four pounds eighteen shillings and ninepence,	54	18	9
Enfield, thirty pounds six shillings,	30	6	0
Deerfield, twenty-seven pounds eleven shillings and threepence,	27	11	3
Sunderland, fourteen pounds eight shillings and ninepence,	14	8	9

Northfield, twenty-two pounds ten shillings, . . .	£22 10s. 0d.
Brimfield, twenty-three pounds and sixpence, . . .	23 0 6
Sommers, fourteen pounds ten shillings and three-pence, . . . . .	14 10 3

£491 13s. 3d.

## IN THE COUNTY OF WORCESTER.

Worcester, twenty-nine pounds five shillings, . . .	£29 5s. 0d.
Lancaster, sixty-six pounds fifteen shillings, . . .	66 15 0
Mendon, forty-three pounds nineteen shillings and nine-pence, . . . . .	43 19 9
Woodstock, forty-five pounds eighteen shillings, . . .	45 18 0
Brookfield, thirty-seven pounds seven shillings and nine [ <i>pence</i> ][ <i>d.</i> ], . . . . .	37 7 9
Southboro[ <i>ugh</i> ], twenty-five pounds eleven shillings and sixpence, . . . . .	25 11 6
Leicester, twenty-one pounds sixteen shillings and six-pence, . . . . .	21 16 6
Rutland, thirteen pounds fifteen shillings and three-pence, . . . . .	13 15 3
Lunenburg, fourteen pounds twelve shillings and six-pence, . . . . .	14 12 6
Westboro[ <i>ugh</i> ], twenty-five pounds fifteen shillings and threepence, . . . . .	25 15 3
Shrewsbury, twenty-five pounds six shillings and three-pence, . . . . .	25 6 3
Oxford, fifteen pounds fifteen shillings, . . . . .	15 15 0
Sutton, thirty-one pounds seven shillings and nine-pence, . . . . .	31 7 9
Uxbridge, twenty-two pounds fourteen shillings and sixpence, . . . . .	22 14 6
Harvard, eighteen pounds three shillings, . . . . .	18 3 0
Grafton, fifteen pounds nineteen shillings and six-pence, . . . . .	15 19 6
Upton, four pounds nineteen shillings and ninepence, . . . . .	4 19 9

£459 2s. 3d.

## IN THE COUNTY OF PLYMOUTH.

Plymouth, eighty-seven pounds nine shillings, . . .	£87 9s. 0d.
Plimpton, thirty-nine pounds six shillings, . . .	39 6 0
Scituate, one hundred and eleven pounds four shil- l[ <i>ing</i> ]s and sixpence, . . . . .	111 4 6
Bridgewater, one hundred and one pounds six shil- l[ <i>ing</i> ]s and sixpence, . . . . .	101 6 6
Marshfield, sixty-one pounds eighteen shill[ <i>ing</i> ]s and threepence, . . . . .	61 18 3
Pembroke, thirty-three pounds two shillings and three- pence, . . . . .	33 2 3
Duxboro[ <i>ugh</i> ], thirty-three pounds two shillings and threepence, . . . . .	33 2 3
Middleboro[ <i>ugh</i> ], sixty-nine pounds fourteen shillings and threepence, . . . . .	69 14 3
Rochester, sixty-two pounds nineteen shillings and threepence, . . . . .	62 19 3
Abbingtion, nineteen pounds thirteen shillings, . . .	19 13 0
Kingston, twenty-three pounds one shilling and three- pence, . . . . .	23 1 3

Han[ <i>n</i> ]over, twenty-eight pounds three shill[ <i>ing</i> ]s and threepence, . . . . .	£28	3s.	3 <i>d</i> .
Hatlfax, nineteen pounds two shillings and sixpence, .	19	2	6
	<hr/>		
	£690	2s.	3 <i>d</i> .

## IN THE COUNTY OF BARNSTABLE.

Barnstable, one hundred and one pounds two shillings, Yarmouth, sixty-four pounds three shillings and three- pence, . . . . .	£101	2s.	0 <i>d</i> .
Sandwich, fifty-eight pounds ten shillings, . . . . .	64	3	3
Eastham, seventy-two pounds nineteen shillings and sixpence, . . . . .	58	10	0
Truro, twenty-four pounds six shillings, . . . . .	72	19	6
Harwich, forty-seven pounds ten shillings and three- pence, . . . . .	24	6	0
Falmouth, thirty-seven pounds nine shillings and three- pence, . . . . .	47	10	3
Chatham, twenty-eight pounds one shilling, . . . . .	37	9	3
Provincetown, eleven pounds eleven shillings, . . . .	28	1	0
	11	11	0
	<hr/>		
	£445	12s.	3 <i>d</i> .

## IN THE COUNTY OF BRISTOL.

Bristol, sixty-six pounds sixteen shillings and sixpence, Taunton, eighty-three pounds five shillings and nine- pence, . . . . .	£66	16s.	6 <i>d</i> .
Norton, forty-seven pounds fifteen shillings and six- pence, . . . . .	83	5	9
Easton, fifteen pounds twelve shillings and ninepence, .	47	15	6
Dartmouth, one hundred thirty pounds and threepence,	15	12	9
Dighton, thirty pounds and ninepence, . . . . .	130	0	3
Rehoboth, one hundred and five pounds. . . . .	30	0	9
Little Compton, sixty-five pounds thirteen shillings and threepence, . . . . .	105	0	0
Swansey, seventy-four pounds five shillings, . . . .	65	13	3
Tiverton, thirty-six pounds, . . . . .	74	5	0
Freetown, thirty pounds three shillings, . . . . .	36	0	0
Attleboro[ <i>ugh</i> ], fifty-four pounds fifteen shillings and ninepence, . . . . .	30	3	0
Barrington, twenty-five pounds ten shillings, . . . .	54	15	9
Raynham, seventeen pounds thirteen shillings and three- pence, . . . . .	25	10	0
Berk[ <i>e</i> ]ley, eighteen pounds fourteen shillings and threepence, . . . . .	17	13	3
	18	14	3
	<hr/>		
	£801	6s.	0 <i>d</i> .

## IN THE COUNTY OF YORK.

York, seventy-eight pounds twelve shillings and nine- pence, . . . . .	£78	12s.	9 <i>d</i> .
Kittery, one hundred and one pounds eight shillings, .	101	8	0
Berwick, fifty-two pounds nineteen shillings, . . . .	52	19	0
Well[ <i>e</i> ]s, forty-four pounds eleven shillings, . . . .	44	11	0
Falmouth, fifty pounds fourteen shill[ <i>ing</i> ]s and nine- pence, . . . . .	50	14	9
Biddeford, nineteen pounds eighteen shill[ <i>ing</i> ]s and threepence, . . . . .	19	18	3
Ar[ <i>r</i> ]undel, eighteen pounds eleven shill[ <i>ing</i> ]s and threepence, . . . . .	18	11	3

Scarborough, thirty-seven pounds five shill[ing]s and sixpence, . . . . .	£37	5s. 6d.
North Yarmouth, thirteen pounds four shillings, . . . . .	13	4 0
	£417	4s. 6d.

## IN THE COUNTY OF DUKES COUNTY.

Edgartown, thirty-six pounds, . . . . .	£36	0s. 0d.
Chilmark, forty-nine pounds three shillings and three-pence, . . . . .	49	3 3
Tisbury, twenty pounds eleven shillings and ninepence, . . . . .	20	11 9
	£105	15s. 0d.

## IN NANTUCKET COUNTY.

Sherb[o][u]rn, ninety-six pounds six shillings, . . . . .	£96	6s. 0d.
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Suffolk, two thousand three hund[red] fifty-nine pounds two shill[ings] and sixpence, . . . . .	£2,359	2s. 6d.
Essex, eighteen hundred fourteen pounds eighteen shill[ing]s and sixpence, . . . . .	1,814	18 6
Middlesex, thirteen hundred and eighteen pounds seventeen shill[s] and sixp[ence], . . . . .	1,318	17 6
Hampshire, four hundred ninety-one pounds thirteen shill[s] and threepence, . . . . .	491	13 3
Worcester, four hundred fifty-nine pounds two shill[ing]s and threepence, . . . . .	459	2 3
Plymouth, six hundred ninety pounds two shillings and threepence, . . . . .	690	2 3
Bristol, eight hundred and one pounds six shillings, . . . . .	801	6 0
Barnstable, four hundred forty-five pounds twelve shill[s] and threepence, . . . . .	445	12 3
York, four hundred seventeen pounds four shill[ing]s and sixpence, . . . . .	417	4 6
Dukes County, one hundred and five pounds fifteen shillings, . . . . .	105	15 0
Nantucket, ninety-six pounds six shillings, . . . . .	96	6 0
	£9,000	0s. 0d.

*And be it further enacted by the authority aforesaid,*

Rules for as-  
sessing the tax.

[SECT. 20.] That the treasurer do, sometime in the month of June, one thousand seven hundred and forty-one, send out his warrants directed to the selectmen or assessors of each town or district within this province, requiring them, respectively, to assess the sum hereby set upon such town and district in manner following; that is to say, to assess all rateable male polls above the age of sixteen years, at two shillings and threepence per poll (except the governour, lieutenant-governour and their families, the president, fellows and students of Harvard Colle[d]ge, settled ministers and grammar-school masters, who are hereby exempted as well from being taxed for their polls, as for their estates being in their own hands, and under their actual management and improvement), and other persons (if such there be), who through age, infirmity or extream poverty, in the judgment of the assessors, are not capable to pay towards publick charges, they may except their polls and so much of their estates as in their prudence they shall think fit and judge meet; and all estates, both real and personal, lying within the limits and bounds of such town or district, or next unto the same, not paying elsewhere, in whose hands, tenure, occupation or



possession soever the same is or shall be found, and income by trade or faculty, which any person or persons (except as before excepted) do or shall exercise in gaining by money or other estate, not particularly otherwise assessed, or commissions of profit in their improvement, according to their understanding and cunning, at one penny on the pound; and to abate or multiply the same, if need be, so as to make up the sum hereby set and ordered for such town or district to pay; and in making their assessments, to estimate houses and lands at six years' income of the yearly rents, in money, wher[e]at the same may be reasonably set or let for in the place where they lie: *saving* all contracts between landlord and tenant; and where no such contract is, the landlord to reimburse one-half of the tax set upon such houses and lands; and to estimate Indian, negro and molatto servants proportionably, as other personal estate, according to their sound judgment and discretion; as also to estimate every ox of four years old and upwards, at forty shillings; every cow of three years old and upwards, at thirty shillings; every horse and mare of three years old and upwards, at forty shillings; every swine of one year old and upward[s] at eight shillings; every goat of one year old and upward[s], at three shillings; and sheep within the count[ie][y]s of Dukes County and Nantuck[e][i]t, at the age aforesaid, at three shillings: likewise requiring the assessors to make a fair list of the said assessment, setting forth in distinct columns against each particular person's name, how much he or she is assessed at for polls, and how much for houses and lands, and how much for personal estate and income by trade or faculty; and the list or lists so perfected and signed by them, or the major part of them, to commit to the collectors, constable or constables of such town or district, and to return a certificate of the name or names of such collectors, constable or constables, together with the sum total[1], to each of them respectively committed, unto himself, some time before the last day of October then next following.

[SECT. 21.] And the treasurer, for the time being, upon the receipt of such certificate, is hereby impowered and ordered to issue forth his warrant to the collectors, constable or constables of such town or district, requiring him or them, respectively, to collect the whole of each respective sum assessed on each particular person, before the last day of March then next following, and of the inhabitants of the town of Boston, to collect their proportion some time in the month of January then next following, and to pay in their collection and issue the accompts of the whole, at or before the last day of May then next following, which will be in the year of our Lord one thousand seven hundred and forty-two.

*And be it further enacted by the authority aforesaid,*

[SECT. 22.] That the assessors of each town and district, respectively, in convenient time before their making the assessment, shall give seasonable warning to the inhabitants in a town meeting, or by posting up notifications in some place or places in such town or district, or otherwise to notify the inhabitants to give or bring in to the assessors true and perfect lists of their polls and rateable estates; and if any person or persons shall neglect or refuse so to do, or bring in a false list, it shall be lawful[1] to and for the assessors to assess such person or persons according to their known ability in such town, in their sound judgment and discretion, their due proportion to this tax as near as they can, agreeable to the rules herein given, under the penalty of twenty shillings for each person that shall be convicted, by legal proof in the judgment of the assessors, of bringing in a false list; the said fines to be for the use of the poor of such town or district where the delinquent lives, to be levied by warrant from the assessors, directed to the

Notifications to be given of the assessment.

Persons to bring in a list.

Penalty in case of a false list.

collector or constables, in manner as is directed for gathering town assessments, and to be paid in to the town treasurer or selectmen for the use aforesaid; saving to the party aggrieved at the judgment of the assessors, in setting forth such fine, liberty of appeal therefrom to the court of general sessions of the peace within the county for relief, as in case of being overrated. And if any person or persons shall not bring in a list of their estate as aforesaid to the assessors, he or they so neglecting shall not be admitted to make application to the court of sessions for any abatement of the assessment laid on him.

[SECT. 23.] And if the party be not convicted of any falseness in the list by him presented of polls, rateable estate or income by any trade or faculty, which he doth or shall exercise in gaining by money at interest or otherwise, or other estate not particularly assessed, such list shall be a rule for such person's proportion to the tax, which the assessors may not exceed.

Preamble.

*And forasmuch* as, oftentimes, sundry persons not belonging to this province bring considerable trade and merchandize, and by reason that the tax or rate of the town where they come to trade or traffick, is finished or delivered to the constables or collectors, and, before the next year's assessment, are gone out of the province, and so pay nothing towards the support of the government, though in the time of their residing here they reaped considerable gain by trade, and had the protection of the government,—

*Be it further enacted by the authority aforesaid,*

[SECT. 24.] That when any such person or persons shall come and reside in any town of this province, and bring any merchandize and trade and deal therewith, the assessors of such town are hereby impowered to rate and assess all such persons according to their circumstances, pursuant to the rules and directions in this act provided, tho' the former rate may have been finished and the new one not perfected as aforesaid. And the constables or collectors are hereby enjoined to levy and collect all such sums committed unto them, and pay the same into the town treasury.

*Provided, always,*

Proviso.

[SECT. 25.] That the general court at their session in May, one thousand seven hundred and forty-one, may, if they think fit, by an act then to be made, apportion the aforesaid sum of nine thousand pounds on the several towns of this province; anything in this act notwithstanding.

*And be it further enacted by the authority aforesaid,*

Tax may be paid in other species besides the bills emitted.

[SECT. 26.] That the inhabitants of this province shall have liberty, if they see fit, to pay the several sums for which they may respectively be assessed at as their proportion of the aforesaid sum of nine thousand pounds, in bills of publick credit of the new tenor, according to their several denominations, or in the bills of the old tenor in proportion of three to one, or in coined silver at six shillings and eightpence per ounce, Troy weight, or in gold coin at the rate of four pounds eighteen shillings per ounce, or in hemp or flax, the hemp to be received by the treasurer at fourpence per pound, and flax at sixpence per pound; which hemp and flax, as soon as conveniently, may be disposed of by the treasurer to the best advantage, for so much as it will fetch in bills of credit, of either tenor, or for silver or gold; and if any loss shall happen by the sale of the aforesaid species, or by any unforeseen accident, such deficiency shall be made good by a tax of the year next following, so as fully and effectually to call in the whole sum of nine thousand pounds in said bills, hereby ordered to be emitted; and if there be a surplusage it shall remain a stock in the treasury.

*And be it hereby declared by the authority aforesaid,*

[SECT. 27.] That although the tax hereby granted, together with the duty of excise, &c., and the taxes to be apportioned on the several [1] towns, and collected in the years one thousand seven hundred and thirty-seven, thirty-eight, thirty-nine, forty and forty-one, will be sufficient to sink the funds and draw in all the bills of publick credit heretofore emitted, for the payment of the publick debts, and the bills by this act ordered to be emitted; yet for the greater security of the possessor of the bills, and the better and more fully to enable the treasurer to exchange all the bills of the old and of the new tenor, that may, in the year one thousand seven hundred and forty-two, happen to remain in the hands of any private persons, that the duties of impost and tun-[n]age of shipping, together with the incomes of the lighthouse, shall be paid in silver, at six shillings and eightpence per ounce, or in gold, of a proportionable value, from and after the session of the general court in May next, and until [1] the end of their session, which will be in May, one thousand seven hundred and forty-two, according to an act or acts to be hereafter made for that purpose.

Impost, &c., to be paid in silver and gold.

*And be it further enacted by the authority aforesaid,*

[SECT. 28.] That if it shall happen that any of the bills of the new tenor and form by this act projected to be emitted, shall be outstanding and not paid in for taxes, &c., unto the constables or collectors of the publick taxes, or to the treasurer or other receivers of publick duties, that whosoever shall have any such bills in his hands or possession, may at any time after the last day of December, which will be in the year of our Lord one thousand seven hundred and forty-two, bring them to the treasurer, and receive in exchange for every six shillings and eightpence of said bills, one ounce of silver, or the like value in gold, and proportionably for a greater or less sum; and the treasurer is hereby ordered to exchange them accordingly. [*Passed February 4; published February 6, 1736-37.*]

Bills outstanding in December, 1732, to be paid off in silver and gold.

## CHAPTER 9.

AN ACT TO PREVENT THE TEARING AND DEFACING THE BILLS OF CREDIT ON THIS PROVINCE AND THE NEIGHBOURING GOVERNMENTS, AS ALSO THE PASSING OF THE SAME AFTER THEY ARE TORN AND DEFACED.

WHEREAS by the tearing of the bills of credit on this province, and on the neighbouring governments, into halves and quarters, and then passing the same so torn and defaced, many frauds have been committed, by taking and joining bills of a lower denomination to those of a higher denomination, and so uttering and passing the same; and likewise parts of false and counterfeit bills in parts separate, or joined to parts of true bills; and thereby many of his majesty's good subjects of this province have suffered considerable loss and damage, and are likely to suffer more; for prevention whereof,—

*Be it enacted by His Excellency the Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

[SECT. 1.] That whosoever shall, after the publication of this act, presume to t[e]ar[e] or deface any of the bills of credit on this province, or the neighbouring governments; vizt., New Hampshire, Connecticut or Rhode Island, or to utter and pass, after the first day of June next, any such bills in quarters or halves, every such person, being convicted thereof before any one of his majesty's justices of the peace

Preamble.  
1774, chap. 5,  
§§ 2, 3.

Parts of bills of credit forbidd. to pass.

in the county where the offence shall be committed, or the person offending lives, shall forfeit the sum of forty shillings, to be applied, the one half to the use of the town where the conviction shall be made, the other half to the prosecutor; and in case the offender shall be unable to pay the fine and costs of prosecution, then he or she shall suffer seven days' imprisonment.

Treasurer forbidden to receive parts of bills, after June,

—unless oath be made, &c.

[SECT. 2.] And the treasurer of the province shall not, after the first day of July next, receive, as payment for any publick debts or otherwise, into the treasury, [*three-quarters, halves*] [ $\frac{3}{4}$ ,  $\frac{1}{2}$ ] or [*quarters*] [ $\frac{1}{4}$ ] of bills of any denomination, unless the person offering the part or parts of such bills, make oath before him (who is impowered to administer the same) in the words following; vizt.,—

You, A. B., do swear, that you did not receive this quarter of a twenty-shilling bill by itself, but received the whole twenty-shilling bill, and that it was torn by accident since it came into your possession. So help you God.

—or has made the same oath, *mutatis mutandis*, according to the parts and value of the bills torn, before one of his majesty's justices of the peace, who shall certify the same to the province treasurer under his hand.

Parts of bills to be exchanged.

*Be it further enacted by the authority aforesaid,*

[SECT. 3.] That all the bills of credit on this province that are torn in halves and quarters, shall be brought into the treasury forthwith, to be exchanged for the value of the parts of said bills so soon as the treasurer shall be supplied with a sufficient number of new bills for exchanging the same.

And, for the ends aforesaid,—

This act to be read in town meeting in March.

*Be it enacted by the authority aforesaid,*

[SECT. 4.] That this act shall be read in the anniversary meetings of the several towns of this province, in March next. [*Passed February 4; published February 6, 1736-37.*]

## CHAPTER 10.

### AN ACT FOR THE REGULAR APPOINTMENT OF PETIT JURORS.

Preamble.  
1699-1700, chap.  
3, § 5.

WHEREAS the method of chusing petit jurors for the several courts within this province, hath been found, upon many accounts, very inconvenient, and the course of justice thereby oftentimes obstructed; for prevention whereof,—

*Be it enacted by His Excellency the Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

Jurymen to be chosen by list.

[SECT. 1.] That the selectmen of each town within this province to whom *venires* shall be sent for petit jurors, either for the inferior court of common pleas, court of general sessions of the peace, or superiour court of judicature, court of assize and general goal delivery, within the respective count[ie][y]s of this province, shall sometime in the month of April next, take a list of the names of all the inhabitants of their respective towns, liable by law and qualified to serve on the petit jury, and the said list shall lay before their respective towns, at a meeting in May next; and shall make out distinct tickets, or p[e]i[c]ees of paper, with one of the person's name[s] contained in such list, fairly written on each ticket: and such tickets shall be kept by the town clerk, in a convenient box, under lock and key, and the selectmen of the several towns aforesaid, shall, annually, within the month of February, put into the

List of persons capable of serving as jurors, to be taken.

Tickets of such persons' names to be put into a box.



same box, the names of all persons qualified as aforesaid, within their respective towns, to be approved of by the town at their annual meeting in March yearly.

*And be it further enacted by the authority aforesaid,*

[SECT. 2.] That when the *venire facias* shall issue forth from either of the courts aforesaid, for the appointment of petit jurors, the constable receiving such *venire*, having notified the selectmen and town clerk, the major part of the said selectmen, and town clerk, shall forthwith meet and then agree upon a time when to draw, the constable giving reasonable notice thereof by a notification posted at the usual place of such town's meeting for the choice of jurymen, that so the inhabitants of the town may be present, if they see cause, at the time of drawing; and then and there the town clerk, in the presence of the selectmen, or the major part of them, and such of the inhabitants as are present, and in case of the absence of the town clerk, one of the selectmen shall draw forth out of the box, as many votes or tickets as the *venire* commanding the return of petit jurors doth express; and the constable having notified and summoned the persons whose names were drawn out as aforesaid, shall make a return thereof to the court issuing the *venires*; which persons, so returned, shall be obliged to attend the courts, under the penalty of the law for jurors' non-appearance. And the town clerk shall carefully register the persons whose names are drawn out, from time to time, which shall not be put into the s[ai]d box again until after the expiration of two years from the time of registering them as aforesaid.

And drawn upon *venires*.

Register to be kept of the names drawn.

*And be it further enacted by the authority aforesaid,*

[SECT. 3.] That all fines arising by the non-appearance of any jurors shall be disposed of and distributed to and among the jurors that shall serve at such court.

Disposition of the fines for not serving.

*And be it further enacted by the authority aforesaid,*

[SECT. 4.] That if the names of any persons are drawn, who are chosen for grand jurors, or necessarily prevented serving by sickness or absence, or are not liable to serve, other tickets shall be drawn, and such names be returned again into the box.

Grand jurors, &c., exempted from serving.

And to render this act more effectual for the good ends proposed by it,—

*Be it enacted by the authority aforesaid,*

[SECT. 5.] That the justices of the respective courts aforesaid, are hereby directed, upon motion from either party in the cause to be tried, to put any juror to answer upon oath (whether returned as aforesaid or as a talisman) whether he doth expect to gain or lose by the issue of the cause now depending and whether he ever has directly or indirectly given his opinion, been of counsel to either party, or is byassed either way in the cause; and if such juror refuse to answer upon oath as aforesaid, then he shall be dismiss'd from the trial of said cause, and another shall be appointed in his stead.

Jurors to answer upon oath, in case of suspicion.

*And be it further enacted,*

[SECT. 6.] That the several clerks of [the] courts aforesaid, in issuing forth their warrants for the choice of jurymen, shall conform to the direction in this act.

[SECT. 7.] This act to continue and be in force for the space of two years from the publication thereof, and from thence to the end of the next session of the general court, and no longer. [Passed February 4; published February 6, 1736—37.]

Limitation.



## CHAPTER 11.

## AN ACT FOR THE BETTER REGULATING PORTERS EMPLOYED WITHIN THE TOWN OF BOSTON.

## Preamble.

WHEREAS the trade and business managed in the town of Boston between the inhabitants thereof and others trafficking there, occasions many persons to resort to and attend about the wharfs, docks and other parts of the town, to convey and carry goods, wares and merchandizes from place to place, some of whom are not so well known as such an employment requires, others of no good character, yet oftentimes have goods of a considerable value put into their custody for conveyance as aforesaid, and some, taking upon them the business of porters, impose upon those making use of them, more especially strangers, by exacting exorbitant wages for their labour, or refusing business, tho' not before employed, if they cannot have their unreasonable demands; [t][w]herefore to avoid such inconveniencies for the future,—

*Be it enacted by His Excellency the Governor, Council and Representatives in General Court assembled, and by the authority of the same,*

Selectmen in  
Boston to ap-  
point porters.

[SECT. 1.] That the selectmen of the town of Boston, for the time being, shall have full power and authority to order what number, and who, shall be employed and take upon them the business of carrying goods, wares and merchandizes for pay or wages, as common porters within the said town; and what rate or price such persons shall ask, receive and take for their labour, service and attendance, according to the distance of place or other circumstances, the selectmen shall order and ascertain; all which persons so admitted by the selectmen, shall, at all times when in the service or doing the business of porters, wear a badge or ticket[t] with the figure of a pine tree marked thereon, on some part of his upper garment, or girdle; which badge or ticket shall be numbered, and a fair entry of each porter's ticket made in the selectmen's book, as also the wages they are to ask and receive, within ten days after the approbation of the selectmen as aforesaid.

Who are to  
wear badges  
numbered.

Selectmen to  
state their  
wages.

*Be it further enacted by the authority aforesaid,*

Fine for serving  
as porter with-  
out license.

[SECT. 2.] That whosoever shall presume to take up the business and employ of a common porter, and convey or carry goods and merchandize from place to place within the town of Boston, for hire or wages, without being admitted by the selectmen as aforesaid, shall forfeit and pay the sum of twenty shillings, to be recovered and disposed of as by this act of before any one of his majesty's justices of the peace within the county of Suffolk, at Boston aforesaid; the one half of which fine or forfeiture shall be disposed of, to and for the use of the poor of the town of Boston, the other half to him or them who shall inform and sue for the same.

*And be it further enacted,*

Fine for porter's  
exactng too  
much wages.

[SECT. 3.] That whosoever, being admitted as a porter as aforesaid, shall ask, take and receive any more than what the selectmen shall allow for any work or service, shall, for every such exaction, forfeit and pay the sum of ten shillings, to be recovered and disposed of as by this act is already directed; and if any person admitted and approved of, as aforesaid, as a common porter, shall officiate or concern himself in the business of transporting goods or merchandize, not having his badge or ticket, shall, for every such breach of this act, forfeit and pay the sum of five shillings, to be recovered and disposed of as aforesaid.

For officiating  
without his  
badge.

*Be it further enacted,*

Porters to give  
bond for their  
good behavior;

[SECT. 4.] That the selectmen shall require and take bond of each one of the porters admitted as aforesaid, with sufficient security, in a

sum not exceeding fifty pounds, for their orderly and faithful acting in the business, more especially their safe conveying and delivering such goods as shall be committed to them; and that upon complaint made to the selectmen, that any whom they may have admitted as aforesaid, do not behave and conduct themselves orderly, peaceably and quietly towards their employers, it being made to appear, the party accused being seasonably notified thereof, such person may be removed, and other meet and orderly persons admitted in his room.

—to be discharged in case.

*Provided,*

[SECT. 5.] This act [to] be in force and so continue for the space of five years from the publication thereof, and no longer. [*Passed February 4; published February 6, 1736-37.*]

Term of the act's continuance.

## CHAPTER 12.

### AN ACT FOR MAKING MORE EFFECTUAL PROVISION FOR THE SERVICE OF ORIGINAL SUMMONS UPON MEAN PROCESS.

WHEREAS in and by an act made and pass[ed] in the thirteenth year\* of the reign of his majesty, King William the Third, it is provided, that original process may be by summons, *capias* or attachment, and some disputes have arisen with respect to the manner of serving such summons, which hath been attended with many inconveniencies; for remedy whereof,—

Preamble.

1699-1700, chap. 2, § 1.  
1701-2, chap. 2, § 1.

*Be it enacted by His Excellency the Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

That the service of an original summons upon any person, either in his private capacity, or in the capacity of executor or administrator, or any other qualification whatsoever, shall be as good and valid in law, to all intents and purposes whatsoever, by an attested copy of such summons being left by the officer at the house or usual place of abode of the defendant, at least fourteen days before the sitting of the court, as if he had been served therewith in his own person: *provided*, that if the defendant against whom such suit is brought, be out of the province at the time of such service, he shall have the same benefit as to a continuance of the action, as is by law provided in suits where goods [and] [or] other estate is attached. [*Passed February 4; published February 6, 1736-37.*]

Copy of an original summons left at the defendant's house to be a sufficient service.

Proviso.

## CHAPTER 13.

### AN ACT FOR THE RELIEF OF POOR PRISONERS FOR DEBT.

*Be it enacted by His Excellency the Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

[SECT. 1.] That when any person, during the continuance of this act, shall stand committed for debt or damages, upon execution, and shall complain that he or she hath not estate sufficient to support him—

Proceedings upon the prisoner's desire of a release.  
1732-33, chap. 7.

\* Neither of the acts referred to in the margin contains, *verbatim*, the above provision, which is included in quotation points in former editions. The act of 1701-2 (13 W. III.) is not so explicit as the act of 1699-1700 (11 W. III.); but as the latter applies only to the common pleas the former is probably the act intended.

or herself in prison, the goaler or keeper of such prison shall thereupon, at the request of the prisoner, be obliged to apply to two of his majesty's justices of the peace for the county, *quorum unus*, who shall thereupon make out a notification, under their hands and seals, to be served on the creditor or creditors, if he, she or they live within this province, his or her executor, administrator, agent or attorney, by reading the same to them, or by leaving an attested copy thereof at the place of his, her or their usual abode, or, if out of the province, then to be left at the place of the usual abode of such creditor, or creditor's agent or attorney, if any such they have, at whose suit such prisoner is in custody, thereby signifying to him, her or them such prisoner's desire of taking the privilege and benefit allowed in and by this act, of the time and place appointed for the intended caption of his or her oath; which notification shall be served at least forty days before the caption, and so certified to said justices, that so he, she or they may be present if they see cause; and said justices are hereby empowered to administer to such debtor, if they shall think proper so to do, after they have fully examined and heard the parties, the following oath; vizt.,—

**Prisoner's oath.**

I, A. B., do upon my oath solemnly profess and declare before Almighty God, that I have not, nor had at the time of the commencing the suit upon me, any estate, real or personal, in possession, reversion or remainder, sufficient to support myself in prison, or to pay prison charges; and that I have not, directly or indirectly, sold, leased or otherwise conveyed or disposed of, to, or intrusted, any person or persons whomsoever, with all or any part of the estate, real or personal, whereof I have been the lawful owner or possessor, with any intent or design to secure the same, or to receive or expect any profit or advantage therefrom, or done, caused, or suffered to be done, anything else, whatsoever, whereby any of my creditors may be defrauded.

Prisoner to be discharged or maintained by the creditor, in case.

—which oath being taken by such prisoner, and certificate thereof made, under the hands and seals of the justices administering the same, to the goaler or keeper, he shall thereupon set such prisoner at liberty, unless such creditor or creditors, his or her executors or administrators, agent or attorney, shall give security to the goaler or keeper for the payment of five shillings per week, to be applied for and towards the support of such prisoner while he, she or they are detained in prison. And it shall and may be lawful for such goaler or keeper to detain and keep in close custody such prisoner so long as said sum of five shillings per week, for and towards his or her support, shall be paid; but upon failure thereof, such prisoner shall be set at liberty as aforesaid.

*And be it further enacted by the authority aforesaid,*

Poor prisoner taking the oath, from what execution to be discharged.

[SECT. 2.] That when any person standing committed upon execution for any debt or damage, and hath attended the directions of this act, he shall only be discharged from such execution or executions wherein the creditor or creditors, his or their agent or attorney, were duly notified, in such manner as this act directs, and not from any other execution for any debt or damage upon which also he may or shall then stand committed, unless he take the oath again, and attend the direction of this act.

*And be it further enacted by the authority aforesaid,*

Persons committed on a new execution to receive no further benefit of a former discharge.

[SECT. 3.] That if any person, after having received the benefit of this act with respect to his discharge as aforesaid, shall be again committed to prison on any new execution that shall or may be served upon him, he shall receive no further benefit hereby but be excluded therefrom; anything in this act to the contrary notwithstanding.

*And be it further enacted by the authority aforesaid,*

Penalty for a false oath.

[SECT. 4.] That in case any such prisoner shall be convicted of having sold, leased or otherwise conveyed or disposed of, or intrusted his or her estate or any part thereof, directly or indirectly, contrary to

the foregoing oath, such prisoner shall not only be liable to the pains and penalties mentioned in the law for punishing of wilful[1] perjury, but shall receive no benefit from the said oath; anything in this act notwithstanding.

*And be it further enacted by the authority aforesaid,*

[SECT. 5.] That if such prisoner at the time of the intended caption shall not take the oath aforesaid, or be not admitted thereto by said justices, then he or she shall be remanded back to goal, and shall not be intitled to the benefit in and by this act provided.

Prisoner not taking the oath to be remanded back to jail.

*And be it further enacted by the authority aforesaid,*

[SECT. 6.] That notwithstanding the discharge of the person of such prisoner upon tak[e]ing the oath as aforesaid, all and every judgment had and given against him or her shall be and remain good and effectual in law to all intents and purposes, against the lands, tenements, goods and chattels that may then, or at any time afterwards, belong to such prisoner discharged as aforesaid.

The prisoner's estate liable to execution notwithstanding his discharge upon oath.

[SECT. 7.] And it shall and may be lawful[1] to and for such creditor of such prisoner discharged as aforesaid, his executors, administrators, agent or attorney, to take out any new execution, to which shall be added by the clerk of the court from whence the execution issues, the charge, if any there be, that the creditors have been at for the prisoner's support, at five shillings as aforesaid, such creditor or creditors first mak[e]ing oath before the clerk (who is impowered to administer the same) of the truth of what he, she or they shall charge to said prisoner for his or her support, against the lands, tenements, hereditaments, goods and chattels of such prisoner, his or her wearing apparel, bedding for him and and his or her family, and tools necessary for his or her trade and occupation, only excepted, for the satisfaction of his or their debt in such sort and manner as he might have done if the person of such prisoner had never been taken in execution.

Charges for supporting the prisoner, to be added.

Apparel, bedding and tools excepted.

*And be it further enacted by the authority aforesaid,*

[SECT. 8.] That if the debtor shall be aggrieved with the charge added by the clerk to said new execution, such debtor shall and may sue for and recover of the creditor or creditors, before any court proper to try the same, fourfold the sum which hath been levied upon him or her, the said prisoner, and shall be made to appear to such court to be unjustly or falsely charged by the creditor or creditors for his or her support as aforesaid.

Remedy against a false charge for support.

*Provided,*

[SECT. 9.] That if the goaler or keeper of any prison shall refuse or delay to discharge and set at liberty any prisoner, contrary to the true intent and meaning of this act, every such goaler or keeper shall forfeit and pay to such prisoner detained contrary to this act, the sum for which he or she stands committed; to be recovered by action of debt in any court of record proper to try the same.

Remedy against the jailer's refusing to discharge the prisoner.

*Provided, also,*

[SECT. 10.] That this act shall not extend to any person or persons in execution for any fine on him, her or them imposed.

Proviso.

[SECT. 11.] This act to continue and be in force for the space of one year from the publication thereof, and no longer. [Passed February 4; published February 6, 1736-37.]

Limitation.



## CHAPTER 14.

## AN ACT IN ADDITION TO AN ACT INTITLED, “AN ACT FOR HIGHWAYS.”

Preamble.

1727-28, chap. 1.

WHEREAS, in and by an act intitled, “An act in addition to an act intituled, ‘An act for highways,’” made and passed in the first year of the reign of his present majesty, it is enacted, that no private way or ways layed out by the selectmen of a town “shall be esteemed” “private ways for such town, nor committed to record, unless such town” at their annual meeting in March, “shall by a major vote, allow and approve thereof”; but no provision is made for applying for remedy to the justices of the general sessions of the peace when any town unreasonably refuses to allow, and ap[p]rove of, any private way laid out as aforesaid, and to put the same on record, which may be very detrimental to particular persons desiring the same; for remedy whereof,—

*Be it enacted by His Excellency the Governor, Council and Representatives in General Court assembled, and by the authority of the same,*

Persons ag-  
grieved by any  
town refusing  
to allow a  
private way,  
may apply to  
the general ses-  
sions for relief.  
7 Allen, 169.  
12 Allen, 239.

That when any town shall unreasonably refuse, or delay, to allow and approve of any private way laid out by the selectmen, and to put the same on record, that then and in such cases any person or persons who think themselves aggrieved hereat, may have liberty to make their appl[i]cation to the court of general sessions of the peace held for that county in which the way l[i]es (provided it be within twelve months from the refusal or delay of said town), who are hereby authorized and impowered, by a committee of disinterested persons whom they shall appoint, to lay out, or cause to be laid out, such particular or private ways within or for such town as may be petitioned for as aforesaid, so as no damage be done to any particular person in his land or propriety, without due recompence to be made, either by the town, if it be of general benefit, or otherwise by such of the inhabitants as have the benefit thereof and desire the same, as shall be adjudged and ordered by the justices in their sessions as aforesaid; and said court are hereby authorized and impowered to enquire into the damages, by a jury, to be summoned for that purpose by the sheriff or coroner, as the case may require, and shall make up judgment with respect to the damages according to verdict of that jury, which judgment shall be final. [*Passed February 4; published February 6, 1736–37.*]

## CHAPTER 15.

## AN ACT FOR SECURING THE SEASONABLE PAYMENT OF TOWN AND PRECINCT RATES OR ASSESSMENTS.

Preamble.

1732 33, chap. 15.

WHEREAS the method directed to by law and heretofore practiced by the receivers or treasurers of towns and precincts, hath been to sue for and recover town and precinct rates and assessments, or the arrears thereof, by mean process, against the constables or collectors, to whom they were committed to be gathered, who neglected their duty therein, whereby the payment of such rates or assessments into the respective town [or] [and] precinct treasurys, hath been greatly delayed, to the grievous damage of many places; to prevent which for the future.—



*Be it enacted by His Excellency the Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

[SECT. 1.] That from and after the publication of this act, if the constable or collector of any town or precinct within this province, to whom any town or precinct rates or assessments have been committed to collect, shall be remiss in his duty by law required, and neglect to collect such rates and assessments as have been committed to him to collect, and to pay in the same to the treasurer or receiver of such town or precinct, by the time fixed in the warrant to him directed, or within one month next after the expiration thereof, such treasurer or receiver is hereby impowered by warrant under his hand and seal, directed to the sheriff of the county or his deputy (who are hereby respectively directed and impowered to execute the same) to cause such sum or sums of money as such constable or collector hath not paid in, to be levied by distress and sale of his estate, real or personal, returning the overplus, if any there be; and for want of such estate, to take the body of such constable or collector, and to imprison him until he pay the same.

Warrant of distress to be issued against defective collectors.

*Provided,*

[SECT. 2.] This act shall continue and be in force for the space of seven years from and after the publication thereof, and from thence to the end of the then next session of the general court and no longer. [Passed February 4; published February 6, 1736-37.]

Limitation.

## CHAPTER 16.

AN ACT IN FURTHER ADDITION TO AN ACT DIRECTING THE ADMISSION OF TOWN INHABITANTS, MADE AND PASS[E]D IN THE THIRTEENTH YEAR OF THE REIGN OF KING WILLIAM THE THIRD.

*Be it enacted by His Excellency the Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

[SECT. 1.] That the inhabitants of the several towns within this province, who shall receive, admit and entertain any person or persons not being inhabitants of such towns, either as inmates, boarders or tenants in the house where such person dwells, or in an[y] other house of his whatsoever, within this province, or under any other qualifications, for more than the space of twenty days, and shall not, in writing under their hands, give an account to one or more of the selectmen, or the town clerk of such town, of all such person or persons so received, admitted or entertained by them, with the time they first received them, and the place from whence they last came, together with their circumstances as far as they can, shall, for every such neglect, forfeit and pay the sum of forty shillings, to be recovered by bill, plaint or information, before any justice of the peace, or in any of his majesty's courts of record within this province; the one half of the said fine to be employed to and for the use of the poor of the town where such offence shall be committed, the other half to him or them that shall inform and sue for the same; and they shall be l[i]able to answer all charges that may arise in the said town, by receiving and entertaining such person or persons as aforesaid, to be recovered by the town treasurer, or selectmen where no town treasurer is appointed, who are hereby respectively impowered to bring an action accordingly

No strangers to be entertained in a town above twenty days, without giving notice to the selectmen, &c. 1700-1, chap. 23. 1731-32, chap. 8. 4 Mass. 129

Penalty.

Charge of warn-  
ing persons how  
to be paid.

*And be it further enacted by the authority aforesaid,*

[SECT. 2.] That all cost and charges aris[e]ing by warning any such persons as are not inhabitants of the town, entring the caution, or carrying them out of town, shall be defreyed and paid by those who received and entertained such person or persons in their houses as aforesaid, and shall be recovered by the town treasurer, or selectmen where no treasurer is appointed, who are hereby respectively impowered to bring an action accordingly.

Account of  
charge to be ex-  
hibited by the  
town treasurer  
or selectmen.

[SECT. 3.] And the town treasurer or selectmen of the respective towns in this province, are hereby directed and ordered, before they bring their action, to exhibit to such who receive and entertain any person or persons in their houses as aforesaid, an account of the charge aris[e]ing thereby; and upon refusing to pay the same within five days, they shall be liable to pay said charge, and be deprived of any benefit by their notification, tho' given within the twenty days as aforesaid. [*Passed February 4; published February 6, 1736-37.*]

## CHAPTER 17.

### AN ACT TO PREVENT GAMING FOR MONEY OR OTHER GAIN.

Preamble.

1692-3, chap. 20,  
§ 3.  
1693, chap. 9.

WHEREAS all lawful games and exercises should not be otherwise used than as innocent and moderate recreations, and not as trades or callings, to gain a living or make unlawful advantage thereby,—

*Be it enacted by His Excellency the Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

Notes, mortga-  
ges, &c., for  
money won by  
gaming to be  
void.

[SECT. 1.] That from and after the twenty-fifth day of March, which will be in the year of our Lord one thousand seven hundred and thirty-seven, all notes, bills, bonds, judgments, mortgages or other securities or conveyances whatsoever, given, granted, drawn or entered into, or executed by any person or persons whatsoever, where the whole or any part of the consideration of such conveyances or securit[ie][y]s shall be for any money or other valuable thing whatsoever, won by gaming or playing at cards, dice, tables, tennis, bowles or other game or games whatsoever, or by betting on the side or hands of such as do game at any of the games aforesaid, or for the reimbursing or repaying any money knowingly lent or advanced for such gaming or betting as aforesaid, or lent or advanced at the time and place of such play, to any person or persons so gaming or betting as aforesaid, or that shall during such play, so play or bett, shall be utterly void, frustrate and of none effect to all intents and purposes whatsoever; and that where such mortgages, securities or other conveyances shall be made of lands, tenements or hereditaments, or shall be such as encumber or affect the same, such mortgages, securit[ie][y]s or other conveyances shall enure and be to and for the sole use and benefit of, and shall devolve upon, such person or persons as should or might have or be intitled to such lands, tenements or hereditaments, in case the said granter or granters thereof, or the person or persons so incumbering the same had been naturally dead, and as if such mortgages, securities or other conveyances had been made to such person or persons so to be intitled after the decease of the person or persons encumbering the same; and that all grants or conveyances to be made for the preventing of such lands, tenements or hereditaments from coming to or devolv[e]ing upon such person or persons hereby intended to enjoy the same as aforesaid,

Lands and  
tenements  
mortgaged or  
conveyed for  
money won, to  
enure to the  
next heir.

Grants made to  
prevent their  
enuring, to be  
deemed fraudu-  
lent.

shall be deemed fraudulent and void, and of none effect, to all intents and purposes whatsoever.

*And be it further enacted by the authority aforesaid,*

[SECT. 2.] That from and after the said twenty-fifth day of March, any person or persons whatsoever, who shall, at any time or sitting, by playing at cards, dice, tables or other game or games whatsoever, or by betting on the sides or hands of such as do play at any game or games as aforesaid, lose to any one or more person or persons so playing or betting, any sum or sums of money, or any other valuable thing or things whatsoever, and shall pay or deliver the same or any part thereof, the person or persons so losing and paying or delivering the same, shall be at liberty, within three months then next, to sue for and recover the money or goods so lost and paid or delivered, or any part thereof, from the respective winner or winners thereof, with costs of suit, by action of debt, founded on this act, to be prosecuted in any of his majesty's courts of record, in which actions or suits no essoign, protection, wager of law or more than one imparlance, shall be allowed; in which actions it shall be sufficient for the pla[i]ntiff to alledge, that the defendant or defendants are indebted to the plaintiff, or received to the plaintiff's use, the moneys so lost and paid, or converted the goods won of the plaintiffs\* to the defendant's use, whereby the plaintiff's action accrued to him according to the form of this act, without setting forth the special matter; and in case the person or persons who shall lose such money or other thing as aforesaid, shall not within the time aforesaid, really and *bona fide*, and without coven or collusion, sue, and with effect prosecute, for the money or other thing so by him or them lost and paid, or delivered as aforesaid, it shall and may be lawful to and for any person or persons by any such action or suit as aforesaid, to sue for and recover the same and treble the value thereof, with costs of suits, against such winner or winners as aforesaid; the one moiety thereof to the use of the person or persons that will sue for the same, and the other moiety to the use of the poor of the town where the offence shall be committed.

Losers at gaming impowered to sue for what was lost.

If the loser neglect to sue, others may, and recover treble the value lost.

One-half to be for the use of the poor of the town.

And, for the better discovery of the moneys or other thing so won, and to be sued for and recovered as aforesaid,—

*It is hereby further enacted by the authority aforesaid,*

[SECT. 3.] That all and every the person or persons who, by v[i][e]r-tue of this present act, shall [and] [or] may be liable to be sued for the same, shall be obliged and compellable to answer upon oath such bill or bills as shall be preferred against him or them in any of the courts of record within this province, for discovering the sum and sums of money or other thing so won at play as aforesaid.

Winners at gaming liable to be compelled, by oath, to discover the sums won.

*Provided, always,—*

*And be it nevertheless enacted by the authority aforesaid,*

[SECT. 4.] That upon the discovery and repayment of the money or other thing to be so discovered and repayed as aforesaid, the person or persons who shall so discover and repay the same as aforesaid, shall be acquitted, indemnified and discharged from any other or further punishment, forfeiture or penalty, which he or they may have incurred by the playing for or winning such money or other thing so discovered and repa[i]d as aforesaid; anything in this present act contained to the contrary thereof in anywise notwithstanding.

Winners at gaming, upon discovery and repayment, to be indemnified from other prosecution.

[SECT. 5.] This act to continue and be in force for the space of five years from the publication thereof, and no longer. [Passed February 4; published February 6, 1736-37.]

Limitation.

## CHAPTER 18.

## AN ACT FOR THE MORE EFFECTUAL PREVENTING AND PUNISHING OF THEFT.

Preamble.  
See 1716-17,  
chap. 15, and  
references.

WHEREAS the punishments already provided by law against stealing have proved ineffectual, and even those that have suffered the penalty in such cases, have been so bold and hardy as to perpetrate their wickedness a second and even a third time; for the more effectual preventing whereof,—

Second theft to  
be punished by  
sitting on the  
gallows and  
whipping.

*Be it enacted by His Excellency the Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

[SECT. 1.] That from and after the first day of May next, if any person who stands convict upon record, either before a justice of the peace, or in any court of general sessions of the peace within this province, for stealing, shall after that presume to steal any money, goods or chattels, to the value of forty shillings lawful money, and be thereof convict by due course of law, before the court of assize and general goal delivery, holden within any of the count[ie][y]s of this province, he or they for such offence, shall, besides paying treble the value of such money, goods or chattles so stolen, to the party injured, together with costs and charges of prosecution, be set[t] upon the gallows for the space of one hour, with a rope around his neck, and one end thereof cast over the gallows, and be severely whipt not exceeding thirty stripes.

Third theft to  
be punished  
with death.

*And be it further enacted by the authority aforesaid,*

[SECT. 2.] That if any person convicted of a second theft, in manner as aforesaid, shall presume a third time to steal any money, goods or chatt[e]l[e]s, to the value of three pounds lawful money, and be thereof convict by due course of law, he shall be adjudged to suffer the pains of death without benefit of clergy. [*Passed February 4; published February 6, 1736-37.*]

## CHAPTER 19.

## AN ACT FOR THE BETTER REGULATING OF THE SERVICE OF EXECUTIONS, AS WELL BY SHERIFFS AS CORONERS, MORE ESPECIALLY IN THE REMOTE COUNTIES OF THE PROVINCE.

Preamble.

WHEREAS the superiour court of judicature, court of assize and general goal delivery, sits but once in the year, in many of the counties of this province, so that executions upon judg[e]ments obtained in those counties, at the superiour court, are returnable but once a year, whereby the creditor is or may be kept for a long time out of his just debt, while in the other counties of the province the writs are returnable every six months,—

*Be it therefore enacted by His Excellency the Governour, Council and Representatives in General [C]ourt assembled, and by the authority of the same,*

Executions to  
be returnable  
in six months.

[SECT. 1.] That from and after the publication of this act, the clerks of the superiour court of judicature, court of assize and general goal delivery, are hereby authorised and directed to make all executions on judg[e]ments obtained at the said courts, in such counties where the said court sits but once in the year, returnable into the clerk's



office at the end of six months from the date thereof; and the clerks of said courts are further authorized, upon the return of such execution, to renew or make out an *alias* execution for the whole, or the remainder, as the case may be, returnable at the next superiour court to be held in and for such county.

*Alias* executions then to be made out, in case.

And whereas, it has been thought warrantable for the sheriff or coroner that have, by v[er]tue of executions to them committed, after they have taken the whole or part of the debt, to detain the same from the creditor until the return of the execution; for remedy whereof,—

*Be it further enacted by the authority aforesaid,*

[SECT. 2.] That when and so often as any sheriff or coroner shall have levied or taken the whole or part of the debt, by virtue of the execution, he shall within twelve hours after the receipt of said money, deliver the same to the pla[i]ntiff, creditor or any person authorized by him, upon demand being made thereof in the town where the officer dwells; and in case the demand is made in another town in said county, then he shall be allowed forty-eight hours to pay the same: and upon his neglect or refusal as aforesaid, shall forfeit to the creditor, treble the lawful interest of the sum so taken and detained by the sheriff or coroner, being convicted thereof, before the court where the writ of execution is returnable. [*Passed February 4; published February 6, 1736-37.*]

Money levied by execution not to be detained in the officer's hands.

Penalty for detaining it when demanded.

## CHAPTER 20.

AN ACT OBLIGING THE CORONERS WITHIN THE SEVERAL COUNTIES OF THIS PROVINCE TO GIVE SECURITY FOR THE DUE PERFORMANCE OF THEIR OFFICE.

WHEREAS by virtue of several acts or laws of this province, the coroners of the counties are enabled in some cases, to serve and execute writ[t]s in civil actions, as well original as judicial, but are not obliged to give bond for the faithful discharge of that trust, whereby the creditor or pla[i]ntiff in such process may be in danger of suffering damage,—

Preamble.

1700-1, chap. 3.  
1717-18, chap. 4.  
1725-26, chap. 8.  
1736-37, chap. 19.

*Be it therefore enacted by His Excellency the Governor, Council and Representatives in General Court assembled, and by the authority of the same,*

[SECT. 1.] That from and after the twenty-fifth day of March, which will be in the year of our Lord one thousand seven hundred and thirty-seven, no coroner shall have authority to serve any process or writ[t], original or judicial, tho' to him directed, until[ ] such time as such coroner shall have given sufficient security for his faithful behaviour, in the serving and executing all such writ[t]s as aforesaid, as shall be committed to him, pursuant to the laws of this province, to the satisfaction of the general sessions of the peace in the county where such coroner lives; the bond to be made payable to the treasurer of such county, for the use and benefit of the person or persons that may be injured by the failure of the coroner in that behalf.

Coroners to give bond before they serve writs.  
4 Mass., 70.

*And be it further enacted by the authority aforesaid,*

[SECT. 2.] That the several coroners within this province shall be answerable in the law for their respective deputies, in the same manner that the sheriffs within this province are answerable by law for their respective undersheriffs and deputies, with respect to the due execution of their office. [*Passed February 4; published February 6, 1736-37.*]

Coroners answerable for their deputies.



## CHAPTER 21.

AN ACT FOR ALTERING THE TIMES APPOINTED BY LAW FOR HOLDING THE SUPERIOUR COURT OF JUDICATURE, COURT OF ASSIZE AND GENERAL GOAL DELIVERY, AND LIKEWISE THE INFERIOUR COURT OF COMMON PLEAS AND GENERAL SESSIONS OF THE PEACE, IN THE COUNT[REYNOLDS]S OF ESSEX, BRISTOL, WORCESTER AND NANTUCKET.

## Preamble.

WHEREAS the time appointed by law for holding the superiour court of judicature, court of assize and general goal delivery at Worcester, for the county of Worcester, is the very next week succeeding the time appointed by law for holding the same court at Bristol; which, considering the increase of business of late in the county of Bristol, and the great distance for thence to Worcester, is found inconvenient,—

*Be it therefore enacted by His Excellency the Governor, Council and Representatives in General Court assembled, and by the authority of the same,*

Times for holding the superior court at Bristol and Worcester altered.

1699-1700, chap.

3, § 2.

1730-31, chap. 8,

§ 2.

Essex superior court.

1720-21, chap. 1,

§ 1.

Bristol inferior court.

1699-1700, chap.

2, § 2.

Worcester inferior court, &c.

1730-31, chap. 8,

§ 2.

[SECT. 1.] That from and after the publication of this act, the superiour court of judicature, court of assize and general goal delivery shall be holden at Bristol, for the county of Bristol, on the fourth Wednesday of October, annually, and at Worcester, for the county of Worcester, on the third Tuesday of September, annually.

*And be it further enacted by the authority aforesaid,*

[SECT. 2.] That the superiour court of judicature, court of assize and general goal delivery at Salem, for the county of Essex, shall, for the future, be holden there on the second Tuesday of November, annually.

*And be it further enacted by the authority aforesaid,*

[SECT. 3.] That the inferiour courts of common pleas and courts of general sessions of the peace for the county of Bristol, shall, for the future, be holden at Bristol, for the county of Bristol, on the second Tuesday of the months of March, June, September and December, annually.

*And be it further enacted by the authority aforesaid,*

[SECT. 4.] That the inferiour court of common pleas and court of general sessions of the peace, hitherto held at Worcester, for the county of Worcester, on the second Tuesday of August, shall, for the future, be holden on the third Tuesday of August, annually.

*And be it further enacted by the authority aforesaid,*

[SECT. 5.] That all appeals, reviews, recognizances, warrants or other process already issued, taken, filed, or to be filed, or any way depending, which are to be heard and tried at Bristol, for the county of Bristol, and at Worcester, for the county of Worcester, according to the days already appointed by law, shall not fail or be discontinued, but be valid and stand good to all intents and purposes in the law, and be heard, tried and determined at the time and day set and appointed by this act.

*And whereas* the inhabitants of the island of Nantucket complain of the great hardship and expence of transporting their criminals to the county of Barnstable, in order to be tried,—

*Be it further enacted by the authority aforesaid,*

[SECT. 6.] That from henceforth all capital offences that shall arise or be committed within the island of Nantucket, or the dependencies thereof, shall be heard and tried at a superiour court of judicature, court of assize and general goal delivery, to be holden for that purpose, within the island of Nantucket, and at such time as the governor and council, advising with the justices of the said court, shall from time to time direct and appoint, according as occasion may be. [Passed February 4; published February 6, 1736–37.]

Court of assize at Nantucket.

1732-33, chap. 8.

## CHAPTER 22.

## AN ACT FOR THE BETTER REGULATING SWINE.

*Be it enacted by His Excellency the Governour. Council and Representatives in General Court assembled, and by the authority of the same,*

[SECT. 1.] That from and after the publication of this act, no swine shall be suffered to go at large, or to be out of the inclosure of the owner thereof, under the penalty of one shilling for each swine, for the first offence, and two shillings for the second offence, together with costs of prosecution, to be forfeited and paid by the owner of such swine found going at large, as aforesaid; which fine or forfeiture, together with the charge of prosecution, may be recovered by the proper hogre[c]ves or any other person, by bill, plaint or information, before any one of his majesty's justices of the peace in such county where such forfeiture shall arise, or by impounding such swine, and proceeding with them as the law ha[th][s] directed in case of impounding.

No swine to go at large.  
1731-32, chap. 1

*And whereas* it may so happen that the owner of such swine as go at large may not be known,—

[SECT. 2.] In such case, the party that finds any swine going at large shall have power to impound them; and if no owner appear within forty-eight hours, or appearing, do neglect or refuse to pay the forfeiture, together with the charges, that then the party impounding them shall cause them to be cryed or posted up in the town where they are impounded, and in the two towns next adjo[y][i]ning; and shall likewise cause the marks of the swine to be entered with the town clerk, and shall relieve such swine during the time they are in pound; and if no owner appear, and pay the said penalty and charges, within ten days after such impounding, then such swine shall be sold at an outcry to the highest bidder, by two suitable persons, to be appointed and sworn to the faithful discharge of their trust by the next justice of the peace, or town clerk where no justice dwells; which sellers shall give publick notice of the time and place of such sale twenty-four hours beforehand; and out of the proceeds of such sale shall pay unto the party the said forfeiture and costs, as by bill allowed by said justice or town clerk, and the surplusage thereof he shall deliver to the treasurer of such town, to be kept for the unknown owner; and if no owner do appear within the space of one year, then the town treasurer shall deliver the one half of the said surplusage to the prosecutor, and the other half to [the] overseers of the poor, for the use of the poor of such town: *provided, nevertheless*, that it shall be in the power of any town, in a town meeting for that purpose appointed, by a vote, to give liberty for swine going at large within the bounds of such town; and in such case it shall be lawful[1] for any and every person or persons to suffer his or their swine to go at large, anything in this act before contained to the contrary notwithstanding: *provided, always*, that every person suffering his swine to go at large by virtue of such town vote, shall, before he suffer his swine to go at large, as aforesaid, cause each of them to be well and sufficiently yo[a]ked and ringed in the nose, and constantly kept so ringed and yo[a]ked; otherwise he shall be l[i][y]able to, and shall pay, the forfeiture and cost, as is by this act beforementioned and provided: *saving*, that they may go unyo[a]ked from the last day of October to the first day of April.

Swine going at large to be impounded.

No owner appearing, &c., swine to be sold.

Proviso.

Swine suffered by town's vote to go at large, to be ringed and yoked.

*And, to the intent* all persons may know what a sufficient yoking doth mean,—

*It is hereby declared,*

**Bigness of the yoke.**

[SECT. 3.] That no yo[a]k[e] shall be accounted sufficient, which is not the full depth of the swine's neck above the neck, and half so much below the neck; and the sole or bottom of the yo[a]k[e] three times as long as the breadth or thickness of the swine's neck.

And for the rend[e]ring this act more effectual,—

*Be it further enacted by the authority aforesaid,*

**Hogreeves to be chosen in March meeting.**

[SECT. 4.] That every town within the province, at their annual meeting in March, to ch[oo][u]se town officers, shall ch[oo][u]se two or more hogre[e]ves, but not the same person[s] more than once in four years; and in case any town shall at any time hereafter neglect to chuse hog[g]re[e]ves at such meeting, that in every such case the selectmen of such town are impowered and required to appoint hogre[e]ves, until a suitable number do accept and are sworn, whose duty it shall be, upon complaints to them or either of them made, to take due care that this act be duly observed, and to prosecute the breakers thereof, which hog[g]re[e]ves shall be sworn[e] to the faithful and impartial discharge of their office; and if any person so chosen or appointed shall refuse or neglect forthwith to be sworn[e] as aforesaid, or neglect his duty in said office, he shall forfeit and pay twenty shillings to the use of the poor of such town; and upon his refusal, another shall be forthwith appointed in his room by the selectmen, to be under the like penalty, and so till others will accept the said service; which penalty shall be recovered by a prosecution before one of his majesty's justices of [of] the peace in the county where such person dwells. And if, upon neglect of any town to choose hogreeves according as by this act they are required, the selectmen of such town shall fail of appointing hogreeves, as they are by this act directed, they shall forfeit and pay the sum of twenty pounds for such neglect; the one half to his majesty, for and towards the support of the government, the other half to him that shall prosecute for such neglect in any of his majesty's courts of record within this province; and if it shall appear that any of the selectmen were ready and willing to do their duty required by this act, the penalty or forfeiture shall be laid on those only who shall be negligent of their duty by this act required.

**Their duty.**

**Penalty for refusal and neglect.**

**Penalty on the selectmen for towns not having hogreeves.**

*Provided,*

**Limitation.**

[SECT. 5.] That this act continue and be in force for the space of ten years from the publication thereof, and to the end of the then next sitting of the general court, and no longer. [*Passed February 4; published February 6, 1736-37.*]

## CHAPTER 23.

AN ACT IN FURTHER ADDITION TO THE ACT ENCOURAGING THE [THE] KILLING OF WOLVES, MADE IN THE FIFTH YEAR OF THE REIGN OF KING WILLIAM AND QUEEN MARY.

*Be it enacted by His Excellency the Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

1693, chap. 6.

Reward of £4 for killing a wolf; —wolf's whelp, 20s.

[SECT. 1.] That the reward for any wolf or wol[f] [ve]'s whelp killed since the sixth day of July last, or that shall be killed after the publication of this act, shall be as follows; vizt., the sum of four pounds for a wolf; and for a wolfe's whelp (other than such as shall be taken out of the belly of any bitch wolf), the sum of twenty shillings.

And for preventing of fraud in any person that shall bring the head of any wolf[e] or wolf[e]'s whelp to the constable of any town, killed without the bounds of the province,—

*Be it enacted by the authority aforesaid,*

[SECT. 2.] That when and so often as any person shall bring the head of any grown wolf[e] or wolf[e]'s whelp to the constable of any town or district within this province, and it be suspected that such wolf[e] or wolf[e]'s whelp was not killed within the same, such person or persons shall not be intitled to the reward in this act provided, until[1] he or they make oath, before one of his majesty's justices of the peace, or selectmen of the town in such town where no justice of the peace dwells, who are hereby empowered to administer the same, that such wolf or whelp was, *bona fide*, killed within this province.

Oath to be made for the killing of a wolf.

*And be it further enacted by the authority aforesaid,*

[SECT. 3.] That if any Indian or Indians shall kill any wolf or wolf[e]'s whelp within this province, they shall be entitled to the same reward in this act provided for the killing of wolves or wolf[e]'s whelps, in case such Indian or Indians bring the head of such wolf or wolf[e]'s whelp to a constable, and satisfy[e] the selectmen of the town, where the wolf or wolf[e]'s whelp is brought, that they were killed in this province.

Indians entitled to the reward, in case.

*And whereas* it hath been the practice, in some parts of the province, to bring in the pate or scalp of a wolf[e] instead of the head, whereby the constable and selectmen are liable to be imposed on; for preventing whereof,—

*Be it therefore enacted by the authority aforesaid,*

[SECT. 4.] That no constable or selectmen, for the future, shall take or receive any pate or scalp of any wolf[e], or give receipt of the same for payment thereof, on penalty of forfeiting the sum of four pounds; one mo[i]ety thereof to his majesty for and towards the support of this government, and the other mo[i]ety to him or them that shall sue for the same.

No pate or scalp to be received or receipt passed, by a constable or selectmen.

*Provided,*

[SECT. 5.] This act shall continue in force until[1] the end of the session of this court in May, one thousand seven hundred and forty-six, and no longer. [*Passed February 4; published February 6, 1736-37.*]

Limitation.

## CHAPTER 24.

### AN ACT FOR ENCOURAGING THE KILLING OF WILDCATS.

WHEREAS there hath been of late, in several places within this province, great mischief[e]s and damages done by certain beasts of prey called wildcats, killing and devouring sheep, lambs and other useful and profitable creatures,—

Preamble.

*Be it enacted by His Excellency the Governor, Council and Representatives in General Court assembled, and by the authority of the same,*

[SECT. 1.] That whosoever hath, since the eighteenth day of August last past, or shall, from and after the publication of this act, kill any wildcat within this province, and bring the head thereof unto the constable of the town in which such wildcat shall be killed, or to the constable of the town next adjacent to the place where such wildcat was killed, if it be without the bounds of any township, the constable, in the presence of one or more of the selectmen, shall cut both ears from off the head of such wildcat, and burn them to ashes; and such

1728-29, chap. 9  
1731-32, chap. 3

Method to be taken upon the killing of wildcats.



Premium for  
killing of wild-  
cats, to be paid  
by the treasurer  
of the province.

selectman or selectmen and constable shall give the party a receipt for the said wildeat, expressing whither it be, in their judgment, a year old or under; and upon producing such receipt, the party shall be paid and allowed by the selectmen or treasurer of such town, out of the town stock, the sum of twenty shillings for every wildeat of one year old or upwards, and the sum of ten shillings for every wildeat under that age, in the judgment of the selectman or selectmen and constable before whom the same shall be brought as aforesaid; and all such payments so made shall be allowed by the treasurer and receiver-general of the province, upon his receiving a certificate, under the hands of a major part of the selectmen in such town, and town treasurer (where any such be), or town clerk, which certificate shall be in the following form; vizt.,—

Form of the  
certificate.

Mr. Treasurer:

This may certify that there ha [*th*] [*s*] been paid out of the town stock of A., for grown wildeats, and wildeats under a year old, killed in or near the town since the day of last past, and the head thereof brought unto our constable or constables, and the ears cut off in the presence of some of ourselves, as the law directs, and so certified unto us, in the whole, the sum of , which sum we desire you to allow to our town, by paying the same unto , our town treasurer. Dated in aforesaid the day of , anno Domini 17 .

} Selectmen, Town Treasurer  
or Town Clerk.

Towns impow-  
ered to assess  
inhabitants for  
said premium.

*And be it further enacted by the authority aforesaid,*

[SECT. 2.] That the selectmen of each town, respectively, shall be and hereby are sufficiently authorized and empowered to assess the inhabitants of their town, yearly, in due proportion, as near as they can, such sum and sums as they shall judge necessary to answer the payments to be made out of the town stock as aforesaid, together with other charges of the town, and to cause the same to be collected in manner as is by law directed for the gathering of town rates.

Limitation.

[SECT. 3.] This act to continue and be in force ten years from the publication thereof. [*Passed February 4; published February 6, 1736–37.*]

NOTES.—There were two sessions of the General Court this year. The engrossments of all the foregoing are preserved; and all, except chapters 6 and 7, were printed with the sessions acts.

The acts of the first session were delivered, by the agent of the province, April 29, 1737, and referred to the committee on plantation affairs, May 19; to the Lords of Trade, May 27; and, by them, to Mr. Fane, June 7. Mr. Fane reported “no objection,” &c., August 2. The acts of the second session went through the same routine, as follows: they were received July 18, 1737; referred to the committee on plantation affairs, and to the Lords of Trade, August 18; to Mr. Fane, August 31; who reported “no objection” under date of December 24, 1737; but the report was not received by the Board until the 16th of the following month.

The representation of the Lords of Trade bears date June 27, 1739, and sets forth that chapters 1, 2, 6, 7, 10 and 13 “were temporary, & have either had their full effect before this time, or, at least, very little remains depending thereon”; that chapters 3, 4, 11, 15, 17, 22, 23 and 24 “will expire as undermentioned, and we have no objection to them”; that chapters 5, 9, 12, 14, 16, 18, 19, 20 and 21 “are perpetual”; and no objection was made to these last, except to chapter 8, as shown in the note to 1737, chapter 5, *post*.

On the 2d of August, 1739, an order in council passed, confirming chapters 5, 9, 12, 14, 16, 18, 19, 20 and 21.

Chap. 8. “I am now, may it please Your Lordships to acquaint you that I have letters from some of my Friends at Whitehall that say some busy person or other has been complaining to your Board of my consenting to the issuing Bills of Credit in this Province of a new Tenour for the support of the Government, and that it was an illusion and infraction on my 16<sup>th</sup> Instruction. As this has been lodged sometime at Your Lordships Board, I suppose Your Lordships have not thought it worth notice or I should have heard of it, Yet that it may make no impression on Your Lordships to my prejudice I must crave your patience while I set this matter in a true light.



And in order to it I must go back to the time of my receiving my Instructions from Your Lordships Board in Jan<sup>y</sup> 1729-30 before they were fully completed and when I returned them I well remember that the late Lord Westmoreland their President at the Board ask'd me what money might be necessary to defray the yearly charge of the Massachusetts Government; I answer'd that for some years before my coming away it had been commonly 20 to 25,000£ a year, His Lordship then said to issue 30,000£ a year in Bills of Credit would be fully sufficient, the Secretary was accordingly directed to put down that sum. And then I was asked what might be enough for New Hampshire; I said I was not much acquainted with the circumstances of that Province but that I thought £6000 a year might be sufficient which was accordingly put down. By this My Lords it must plainly appear that His Majesty's Instruction always intended there should be issued from time to time Bills of Credit *sufficient for the annual support and service of the Government* but no more nor have I exceeded such a sum (*communibus annis*) and at New Hampshire I have never issued a third part of the sum mentioned in His Majesty's Instruction, the support and service of the Government not requiring it.

While my Lords there is no silver or gold in these Provinces, it's impossible the Government can subsist without Bills of Credit.

I think what I have said must clear up the sense of this Instruction and as to the words which are *For striking Bills of Credit and issuing out the same in lieu of money &c* and again *not exceeding thirty thousand Pounds in such Paper Bills*, I think I have kept myself within the words which do not at all say what sort of Bills or of what value they must be, but only *Bills of Credit*. Besides my Lords when I arrived to the Government 30,000£ in Bills of Credit would go as far to defraying the charge of the Government as 45,000£ of those Bills will now, so much are they sunk in their value or to take the other way what was 30,000£ then is now hardly 20,000£, and yet the Government must be supported. And as the Province has constantly been growing so has the charge of it in proportion and to tell the People the Government must be supported and the charge of it paid, without letting them have wherewith to do it, I could really expect no other answer from the Assemblies but that I was an Egyptian Task Master commanding them to make brick without straw.

With deference to your Lordships I would go on and say the weak and insufficient foundation of the Bills of Credit before this new sort has been one continual fraud and oppression on all the Officers of the Government and a flagrant injustice to all persons trading hither from Great Britain, as well as to the inhabitants of the Province and to the affairs of it in general and this has been the constant complaint of His Majesty's Governors for near 25 years past who have frequently recommended the serious consideration of these evils to the several Assemblies and the taking of some proper methods to deliver the Province from the embarrassments they were under and thereupon Committees have been raised from time to time who have reported various projections for effecting this important end, but in nothing of this kind could the two houses agree 'till the last year when they laid the foundation of their Bills of Credit for the future in silver and gold, the want of which in the first Bills was generally allowed to be the cause of their losing their value to the great dishonour of the King's Government as well as to the introducing the injuries I have mentioned, yet a number of persons who were commonly great debtors found their particular accounts in this public calamity by their Creditors being defrauded of one half at least of their just due, But as to these new Bills, the Possessors at their period will be entitled to their value in silver or gold and from this good groundwork these Bills have already operated to the lowering of the Exchange betwixt London and this place 50 or 60 per Cent, and this advantage will gradually increase 'till the time that the Bills may be paid off.

It is further to be observed that the generality of the people in this Province (especially the wealthiest and most prudent) are well satisfied in this change of the Bills and those that are dissatisfied are such as will hardly ever be pleased with the proceedings of any good Government and it seems to me my Lords a high presumption that a few private persons of restless spirits should complain to His Majesty of the public Acts of the Legislature of the Province which are duly transmitted and submitted to the consideration and correction of much wiser heads than theirs.

This is what occurs to me at present for justifying my proceedings in the affair of the Bills of the new Tenour and if I were knowing of the particular exceptions taken against me or against them, I believe it would give me no great trouble to make a very good answer; but as I am entirely ignorant of what is objected, it is not possible I should particularly obviate everything that may be devised by disaffected persons.

When Your Lordships have maturely considered what I have said in this matter I shall hope not only for Your Lordships candour but for very full approbation of what I have done towards a reform of the vile bills of Credit that have been issued in this Province for about 30 years past and no Governour before has been able to provide any remedy for this evil.

I have the honour to be with very great respect, My Lords,  
Your Lordships most obedient and most humble Servant

J. BELCHER.

BOSTON NOV<sup>r</sup> 7<sup>th</sup> 1737."

—Letter to the Lords of Trade, "N. E., B. T.," vol. 25, C. c. 78, in *Public Record Office*.

Chap. 17.

"Tuesday, May 22<sup>nd</sup> 1739.

Lord Monson, Col. Bladen, Mr Ashe, Mr Plumer

The Board took into consideration two Acts of the Massachusetts, the first entitled an Act to empower the Collectors of Taxes to require aid pass'd in May 1735 to which they had no objection; the second entitled an Act to prevent gaming for money pass'd in May 1736 in which there is a Clause to compel the Winner to accuse himself upon oath which Clause is stronger than any in our gaming Laws, however as this is only a temporary Law & to expire in 1742, their Lord<sup>ships</sup> were of opinion they might report upon it without objection."—*Trade-papers (Journals)*, "vol. 42, p. 41; in *Public Record Office*.

1735-36, chap. 19.



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ACTS,  
PASSED 1737-38.

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# ACTS

PASSED AT THE SESSION BEGUN AND HELD AT BOSTON,  
ON THE TWENTY-FIFTH DAY OF MAY, A.D. 1737.

## CHAPTER 1.

AN ACT FOR GRANTING UNTO HIS MAJESTY AN EXCISE UPON WINES  
AND SPIRITS DISTILLED, SOLD BY RETAIL, AND UPON LEMMONS AND  
LIMES.

WE, his majesty's most loyal and dut[i][y]ful subjects, the represent- Preamble  
atives of the province of the Massachusetts Bay, in general court assem-  
bled, being desirous to lessen the present debt of the province by draw-  
ing in a number of the bills of credit, in pursuance of a grant of this  
court to his late majesty King George the First, in the year one thousand  
seven hundred twenty-seven,\* and of several grants unto his present  
majesty, in the years one thousand seven hundred and thirty-three, one  
thousand seven hundred and thirty-five and one thousand seven hun-  
dred and thirty-six, to be levied and collected in this present year, have  
cheerfully and unanimously granted, and do hereby give and grant, unto  
his most excellent majesty, for the ends and uses abovementioned, and  
for no other uses, an excise upon all brandy, rum and other spirits dis-  
tilled, and upon all wines whatsoever, sold by retail, and upon lemons  
and limes taken in and used in making of punch or other liquors mixed  
for sale, or otherwise consumed in taverns or other licensed houses  
within this province, to be raised, levied, collected and paid by and upon  
every taverner, innholder, common victualler and retailer within each  
respective county, in manner following,—

*And be it accordingly enacted by His Excellency the Governour, Council  
and Representatives in General Court assembled, and by the authority of  
the same,*

[SECT. 1.] That from and after the twenty-ninth day of June, one Time limited for  
the continuance  
of this act.  
thousand seven hundred and thirty-seven, for the space of three years,  
every person licensed for retailing brandy, rum or other spirits or wine,  
shall pay the dut[ie][y]s following; vizt.,—

For every gallon of brandy, rum and spirits distilled, twelvopence. Rates of excise.

For every gallon of wine of every sort, twelvopence.

For every hundred of lemons, eight shillings and fourpence.

For every hundred of limes, three shillings.

And so proportionably for any other quantity or number.

And for the due and orderly collecting and receiving of the excise  
aforesaid,—

*Be it further enacted by the authority aforesaid,*

[SECT. 2.] That every taverner, innholder, common victualler and Taverners, &c.,  
to give an ac-  
count, on oath,  
of their liquors.  
retailer shall, after the twenty-ninth day of June, one thousand seven  
hundred and thirty-seven, take an exact account of all brandy, rum and

\* NOTES to 1727-28, resolve (b).



other distilled spirits and wine then by him, and give an account of the same, upon oath if required, unto the person or persons to whom the duties of excise in the respective count[ie][y]s shall be let or farmed, as in and by this act is hereafter directed; and such other persons as shall be licensed during the continuance of this act, shall also give an account upon oath as aforesaid, of what brandy, rum and other distilled spirits and wine he or they shall have by him or them at the time of his or their licence; which oath the person or persons farming the dut[ie][y]s aforesaid, shall have power to administer in the words following; vizt.,—

Form of the oath.

You, A. B., do swear that the account exhibited by you is a true and just account of all brandy, rum and other distilled spirits and wine now by you. So help you God.

Six months' account to be delivered on oath.

[SECT. 3.] That every taverner, innholder, common victualler and retailer shall make a fair entry in a book, of all such brandy, rum and other distilled spirits and wine as he or they, or any for him or them shall buy, distill or take in for sale after such account taken, and of all lemmons and limes taken in and consumed or used as abovesaid, and at the end of every six months deliver the same, in writing under his or their hands, to the farmer or farmers of the dut[ie][y]s aforesaid, who are empowered to administer an oath to him or them, that the said account is *bona fide* just and true, and that he or they do not know of any brandy, rum or other distilled spirits or wine sold directly or indirectly, or of any lemmons or limes used in punch or otherwise by him or them, or any under him or them, or by his or their privity or consent, but what is contained in the account now exhibited; and shall pay him the duty thereof, excepting such part as the farmer shall find is still remaining by him or them; twenty per cent to be allowed on the liquors aforementioned for leakage and other waste, for which no duty is to be paid.

Twenty per cent leakage.

*Provided, always,*

Excise to be paid by those that buy of taverners, &c.

[SECT. 4.] And it is the true intent and meaning of this act, that if any taverner, retailer or common victualler shall buy of another taverner or retailer such small quantity of liquors as this act obliges him to account for to the farmer, and pay the excise, the taverner, retailer or common victualler, shall, notwithstanding, be accountable, and pay the excise as if none had been paid by the person he bought the same of.

Penalty of taverners, &c., giving a false account or refusing to give an account.

*And be it further enacted by the authority aforesaid,*

[SECT. 5.] That every taverner, innholder, common victualler or retailer who shall be found to give a false account of any brandy, distilled spirits, wine or other the commodities aforesaid, by him or her at the time of his or her taking licence, or bought, distilled or taken in for sale afterwards, or used as aforesaid, or refuse to give in an account on oath as aforesaid, shall be rendered incapable of having a licence afterwards, and shall be prosecuted by the farmer of the excise in the same county, for his or her neglect, and ordered by the general sessions of the peace to pay double the sum of money as they may judge that the excise of the liquors, &c., by him or her sold within such time would have amounted to; to be paid, one moiety thereof to the said farmer, the other moiety to the province treasurer for the use of the province.

*And be it further enacted by the authority aforesaid,*

Recognizances to be taken.

[SECT. 6.] That the justices in their general sessions of the peace shall take recognizances with sufficient suret[ie][y]s of all persons by them licensed, both as to their keeping good rule and order, and duly observing the laws relating to persons so licensed; and for their duly

and truly rendring an account in writing under their hands as aforesaid, and paying their excise in manner aforesaid, as also that they shall not use their license in any house beside that wherein they dwell; which recognizance shall be taken within the space of thirty days after the granting such license, otherwise the persons licensed shall lose the benefit of his or her said license. And no person shall be licensed by the said justices that hath not accounted with the farmer, and paid him the excise due to him from such person at the time of his asking for such license.

*And whereas notwithstanding the laws made against selling strong drink without license, many persons not regarding the penalt[ie][y]s and forfeitures in the said act, do receive and entertain persons in their houses and sell great quantities of spirits and other strong drink without license so to do first had and obtained, by reason whereof great debaucheries are committed and kept secret, the end of this law in a great measure frustrated, and such as take licences and pay the excise greatly wronged and injured,—*

*Be it therefore further enacted,*

[SECT. 7.] That whosoever, after the twenty-ninth day of June, one thousand seven hundred and thirty-seven, shall presume, directly or indirectly, to sell any brandy, rum or other distilled spirits, wine, beer, cyder, perry or any other strong drink in any smaller quantity than a quarter cask (twenty gallons to be accounted a quarter cask) without license first had and obtained from the court of general sessions of the peace, and recognizing in manner as aforesaid, shall forfeit and pay for each offence the sum of ten pounds, one third whereof shall be for the use of the poor of the town where the offence is committed, one third to the farmer, and the other third to him or them who shall inform and sue for the same, and costs of prosecution: and all such as shall refuse or neglect to pay the fine aforesaid, shall stand closely and strictly committed in the common goal of the county for three months at least, and not to have the liberty of the goaler's house or yard; and any goaler giving any person liberty contrary to this act, shall forfeit and pay ten pounds, to be employed in manner as aforesaid, and pay costs of prosecution as aforesaid: and if any person or persons not licensed as aforesaid, shall order, allow, permit[t] or connive at the selling of any strong drink contrary to the true intent and meaning of this law by his or her child or children, servant or servants, or any other person or persons belonging to or in his or her house or family, and be thereof convict, he, she or they shall be reputed the offender or offenders, and shall suffer the same penalties as if he, she or they had sold such drink themselves.

*And be it further enacted,*

[SECT. 8.] That when any person is complained of for selling strong drink without license, one witness produced to one such fact, and another produced to another, shall be sufficient conviction: *provided*, there be not more than the space of forty days between the facts concerning which such witnesses declare.

[SECT. 9.] That when and so often as it shall be observed that there is a resort of persons to houses suspected to sell strong drink without license, any justice of the peace shall have full power to convene such persons before him, and examine them upon oath of the person suspected of selling or retailing strong drink in such houses, out-houses or other dependencies thereof, and on just ground to bind over the person transgressing, and the witnesses, to the next court of general sessions of the peace for the county where such offence shall be committed.

Preamble.

Penalty for selling without license.

Evidence in the case.

Justices to inspect suspected houses.

Penalty on persons refusing to give evidence.

*And be it further enacted,*

[SECT. 10.] That if any person or persons shall be summoned to appear before the grand jury to give evidence relating to any person's selling strong drink without licence, or to appear before the court of general sessions of the peace or other court proper to try the same, to give evidence on the trial of any person informed against, presented or indicted for the selling *[of]* strong drink without licence, and shall neglect or refuse to appear or to give evidence in that behalf, every person so offending, shall forfeit the sum of twenty pounds; the one half to be for his majesty, the other half to and for the use of him or them who shall sue for the same as aforesaid. And when it shall so happen that witnesses are bound to sea before the setting of the court where any person or persons informed against for selling drink without licence, is or are to be prosecuted for the same, in every such case the deposition of any witness or witnesses, in writing, taken before two of his majesty's justices of the peace, *quorum unus*, in the county where the offence shall be committed, and sealed up and delivered into court (the adverse party having first had a notification in writing sent to him or her of the time and place of caption) shall be esteemed as sufficient evidence in the law, to convict any person or persons offending against this act, as if such witness or witnesses had been present at the time of trial, and given his, her or their deposition *viva voce*; and every person or persons who shall be summoned to give evidence before two justices of the peace in manner as aforesaid, and shall neglect or refuse to appear, or to give evidence relating to the facts he or she shall be enquired of, shall be liable and subject to the same penalty as he or she would have been by *v[er]tue* of this act for not appearing, or neglecting or refusing to give his or her evidence before the grand jury or court as aforesaid.

Deposition of witnesses bound to sea, to be taken before two justices, *quorum unus*.

And to the end the revenue arising from the aforesaid duties of excise may be advanced for the greater benefit and advantage of the publick,—

*Be it further enacted by the authority aforesaid,*

Persons to be appointed to agree with farmers of the excise.

[SECT. 11.] That one or more persons, to be nominated and appointed by the general court for and within the several count[ies][y]s within this province (timely publick notice being first given of the time, place and occasion of their meeting), shall have power, and are hereby authorized, from time to time to contract and agree with any person for or concerning the farming the dut[ies][y]s in this act mentioned, upon brandy, rum, wine or other the liquors and commodities aforesaid, in the respective count[ies][y]s for which they shall be appointed, as may be for the greatest profit and advantage of the publick, so as the same exceed not the term of three years after the commencement of this act. And every person to whom the duties of excise in any county shall be let or farmed, shall have power to inspect the houses of all such as are licensed, and of such as are suspected to sell without licence, and to demand, sue for and receive the excise due from them by virtue of this act, and shall give bond, with two sufficient suret[ies][y]s, to the province treasurer for the time being, and his successors in said office, in double the sum of money that shall be contracted for, with condition that the sum agreed on be paid into the province treasury, for the use of the province, at the expiration of one year from the date of such bond, which bond the person or persons to be appointed, as aforesaid, a committee for such county, are to take, and the same to lodge with the treasurer aforesaid, within twenty days after such bond is executed; and the s[aid] treasurer, upon failure or neglect of payment at the time therein limited, shall and hereby is impowered and directed to put such bond in suit, and to receive the moneys due thereon for the use afore-

Power of the farmers.

mentioned; and the said committees shall render an account of their proceedings, touching the farming this duty on rum, wine and other the liquors and species aforesaid in their respective count[ie][y]s to the general court in the first week of their fall sessions, and shall receive such sum or sums for their trouble and expences in said affair as said court shall think fit to allow them.

[SECT. 12.] And every person farming the excise in any county, may substitute and appoint one or two deput[ie][y]s under him, upon oath, to collect and receive the excise aforesaid, which shall become due in such county, and pay in the same to the farmer; which deputy or deput[ie][y]s shall have, use and exercise all such powers and authorit[ie][y]s as in and by this act is given or committed to the farmers for the better collecting the dut[ie][y]s aforesaid, or prosecuting of offenders against this act.

Farmers allowed to make deputies.

*And be it further enacted,*

[SECT. 13.] Anything hereinbefore contained to the contrary notwithstanding, that it shall and may be lawful to and for the said farmers, and every of them, to compound and agree with any retailer within their respective divisions, from time to time, for his or her excise for the whole year, in one entire sum, as they in their discretion shall think fit to agree for, without making any entry thereof, as is before directed. And all and every person or persons to whom the said excise or any part thereof shall be let or farmed by themselves or their lawful substitutes, may and are hereby empowered to sue for and recover in any of his majesty's courts of record, or before a justice of the peace, where the matter is not above his cognizance, any sum or sums that shall grow due for any of the aforesaid dut[ie][y]s of excise, where the party or part[ie][y]s from whom the same is or shall become due, shall refuse or neglect to pay the same.

Farmers allowed to compound for excise;

—and empowered to sue for excise.

*And be it further enacted,*

[SECT. 14.] That in case any person farming the excise as aforesaid, or his deputy, shall at any time during their continuance in said office, wittingly and willingly connive at, or allow of any person or persons within their respective divisions (not licensed by the court of general sessions of the peace) their selling any brandy, rum, wine or other liquors by this act forbidden, such farmer or deputy for every such offence, shall forfeit the sum of fifty pounds, one half whereof shall be to his majesty for the use of the province, the other half to him or them that shall inform and sue for the same, and shall thenceforward be forever disabled from serving in said office.

Fine of the farmer and his deputies for conniving at selling drink without license

And for raising a further revenue to his majesty for the uses in this act first mentioned, by an excise on coaches, chariots, chaise[s], calashes and chairs, to be levied upon and paid by the owners and possessors of the same,—

Preamble.

*Be it further enacted by the authority aforesaid,*

[SECT. 15.] That from and after the publication of this act, during the space of three years, there shall be paid yearly and every year, by the person or persons owning or possessing and making use of any coach, chariot, chaise, calash and chair (such excepted as belong to the governour, lieutenant-governour, president and fellows of Harvard Colle[d]ge and settled ministers), the several rates and duties following; vizt.,—

Excise on coaches, chaises, &c.

For every coach or chariot, fifty shillings.

For every chaise with four wheels, thirty shillings.

For every other chaise, calash or chair, twenty shillings.

And for the better collecting the duties aforesaid, and paying in the same to the province treasury for the use for which the aforementioned duties of excise are granted,—



*Be it further enacted,*

Coaches and chaises to be entered with the town treasurer.

Penalty for neglect.

Town treasurer to keep an account of the same and of forfeitures, duties paid, &c.

Penalty.

Town treasurer's allowance.

How the fines are to be recovered.

[SECT. 16.] That after the publication of this act, every person owning or possessing any coach, chariot, chaise, calash or chair, shall sometime in the month of July, yearly, cause the same to be entred with the treasurer of the town where such person dwells, and shall pay and deliver to such treasurer the rates of excise due from him or her by virtue of this act, on pain of forfeiting to his majesty for the use aforesaid (over and above such sum or sums of money as shall be due from him or her for excise as aforesaid) the sum of five pounds for each neglect, to be recovered by said treasurer, who is hereby authorized and directed to sue for and receive the same for the use aforesaid.

[SECT. 17.] That the treasurer of the town for the time being, or the town clerk where there is no treasurer, shall make fair entries in a book, of all coaches, chariots, chaise, calashes and chairs of which an account shall be given him as aforesaid, together with the names of the owners or possessors thereof, as also of the several duties of excise and forfeitures arising by virtue of this act and received by him from time to time, and at the expiration of one year from the publication of this act, and so yearly so long as the same shall continue in force, shall deliver unto the treasurer and receiver-general of this province a perfect and particular account on oath of all coaches, chariots, &c., that have been entred with him, of all payments that have been made to him for excise, and of such forfeitures as he may have recovered or received pursuant to this act; and at the end of each year, or often, if the province treasurer shall demand it, shall account with him for all collections and receipts of the duties and forfeitures aforesaid, and shall pay and deliver to him such moneys as shall then be in his hands; and every town treasurer who shall neglect or refuse so to do, shall forfeit to his majesty, for the use aforesaid, double the sum of money which the court of general sessions of the peace in the same county (upon complaint and application to them made for that end by the province treasurer) shall judge the duty of excise on coaches and other conveyances before-mentioned arising by this act, would amount to for one year, and by said court shall be ordered to pay the same to the treasurer and receiver-general for the use of the province.

[SECT. 18.] And each town treasurer shall be allowed five per cent for all moneys collected by him and paid into the publick treasury as aforesaid.

[SECT. 19.] All fines, forfeitures and penalties arising by this act, for the recovery whereof no provision is therein already made, shall be recovered by action, bill, plaint or information in any of his majesty's courts of record within the respective counties where such offence shall be committed, or by presentment of the grand jury, who are hereby strictly enjoined to inform of and present all breaches of this act.

[SECT. 20.] This act to continue and be in force for the space of three years, and no longer. [*Passed July 2; published July 7.*]

## CHAPTER 2.

AN ACT FOR GRANTING THE SUM OF ONE THOUSAND POUNDS IN BILLS OF CREDIT OF THE NEW TENOUR FOR THE SUPPORT OF HIS MAJESTY'S GOVERNOUR.

*Be it enacted by His Excellency the Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

£1,000 in bills of the new tenour

[SECT. 1.] That the sum of one thousand pounds in bills of publick credit on this province, of the new tenour, which is equal to three



thousand pounds of the old bills, be and hereby is granted unto his most excellent majesty, to be paid out of the publick treasury to his excellency Jonathan Belcher, Esq., captain-general and governour-in-chief in and over his majesty's province of the Massachusetts Bay, to enable him to go on in managing the publick affairs.

granted to the  
governor.

*And be it further enacted,*

[SECT. 2.] That there be and hereby is granted unto his most excellent majesty, as a fund and security for drawing in the said bills by this act ordered to be emitted, a tax of one thousand pounds, to be levied on polls, and estates both real and personal within this province, according to such rules and directions, and in such proportion upon the several towns and districts within the same; as shall be agreed on and ordered by the great and general court at their session in May, one thousand seven hundred and forty, and paid into the publick treasury on or before the last of December next after. [Passed June 28.]

Fund for the  
same.

## CHAPTER 3.

AN ACT FOR THE PAYMENT OF THE MEMBERS OF HIS MAJESTY'S COUNCIL, AND THE REPRESENTATIVES SERVING IN THE GENERAL COURT.

WHEREAS the members of his majesty's council and the representatives serving in the general court, are necessarily exposed to considerable expence in travelling to and from the place where the court is holden, as well as during the time of their actual attendance on the publick service,—

1731-32, chap. 12

*Be it enacted by His Excellency the Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

[SECT. 1.] That from the beginning of the session of this court in May last, unto the end of the several sessions thereof until [1] May next, each member of the council shall be entitled to three shillings and fourpence *per diem*, in bills of credit of the new tenour and form ordered by this court at their present session to be imprinted, &c., to be paid out of the publick treasury upon warrant, according to the direction of the royal charter; certificate to be given by the secretary of the number of days of such member's attendance, and travel [1] to and from the court: twenty miles to be accounted a day's travel [1].

Allowance to  
the members of  
the council.

*And be it further enacted by the authority aforesaid,*

[SECT. 2.] That the treasurer of the province be and hereby is directed and impowered to issue, upon warrant as aforesaid, the sum of fifteen hundred pounds in bills of credit of the new tenour and form, ordered by this court to be imprinted as aforesaid, for the payment of the representatives serving in the general court during the aforesaid term, who shall be entitled each to two shillings *per diem*, as aforesaid, certificate to be given by the clerk of the house of representatives of the number of days of such members' attendance, and travel to and from the court: twenty miles to be accounted a day's travel [1].

£1,500 in bills of  
the new tenour  
to be issued for  
the representa-  
tives' pay.

And for a fund and security for drawing in such sum or sums as shall be paid out to the representatives of the several towns in manner as aforesaid,—

*Be it enacted by the authority aforesaid,*

[SECT. 3.] That there be and hereby is granted unto his most excellent majesty, a tax of such sum or sums as shall be paid to the several representatives as aforesaid, to be levied and assessed on the polls and estates of the inhabitants of the several towns, according to what their

Fund.

respective representatives shall so receive, which sums shall be set on the said towns in the next province tax; and the assessors of the said towns shall make their assessment for this tax and apportion the same according to the rule that shall be prescribed by act of the general assembly for assessing the next province tax; and the constables in their respective districts shall pay in the same when they pay in the province tax for the next year, of which the treasurer is hereby directed to keep a distinct and sep[ar]ate account: and if there be any surplusage of the said fifteen hundred pounds, the same shall lye in the hands of the treasurer for the further order of this court. [Passed June 28.

CHAPTER 4.

AN ACT TO PREVENT NUSANCES BY HEDGES, WEARS AND OTHER INCUMBRANCES OBSTRUCTING THE PASSAGE OF FISH IN MERRIMACK RIVER.

Preamble.  
1734-35, chap. 8.

WHEREAS the River Merrimack hath heretofore abounded with plenty of fish, which hath been of great advantage to the inhabitants of the several towns near the said river; and notwithstanding the care which hath been taken in making laws to prevent the setting up of w[e]ar[e]s, and stop[p]ing the course of the fish, yet those laws have proved ineffectual to deter persons from set[t]ing up w[e]ar[e]s across the said river for divers years last past, which have been the occasion of destroying abundance of fish, to the great hurt and damage of the inhabitants living on and near the said river, and the fish (especially bass and sturgeon, which are very valuable) by having their natural course stopped, and being destroyed by the w[e]ar[e]s, have in a great measure forsaken the river,—

*Be it therefore enacted by His Excellency the Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

Wears, hedges,  
&c., on Merri-  
mack River  
disallowed, in  
case.

[SECT. 1.] That if any person or persons whomsoever, from and after the publication of this act, shall presume to erect, set up, or make on or across the said River Merrimack, or that shall be aiding or assisting therein, any w[e]ar[e]s, hedges, fish-garths, stakes, kiddles or other incumbrance whatsoever, to the stopping, obstructing or streightning the natural and usual course and passage of the fish up and down the same river, that shall exceed, extend, be made or carried into the said river more than one third part of the breadth of the river at such place, from either side thereof, or that shall use and improve any such w[e]ar[e]s, hedges, fish-garths, stakes, kiddles or other incumbrance as aforesaid for the taking of fish so obstructed, shall, for the first offence, forf[i]e[i]t and pay the sum of fifty pounds, and for every other offence, the sum of one hundred pounds, upon due conviction thereof, before any court of record within the same county; the one half of such forf[i]e[i]ture to be to and for the use of the poor of the town where the offence shall be committed, and the other half to him or them that shall sue for the same, by action, bill, plaint or information.

Penalty for  
erecting them.

Persons allowed  
to remove such  
wears, &c.

[SECT. 2.] That every obstruction or incumbrance made and set up contrary to the true intent of this act, shall be deem'd a common nuisance; and it shall and may be lawful for any person or persons to take down, remove and demolish the same. And the grand jurors of the respective count[ie]s adjo[i]ning to the said river, shall be and hereby are enjoyned and required to enquire after the violators of this act, and make presentment of all the breaches thereof to the

courts of general sessions of the peace for and within the respective count[ie][y]s.

[SECT. 3.] This act to continue in full force for the term of ten years from and next after the publication thereof, and no longer.  
[Passed June 28; published June 30.]

## CHAPTER 5.

AN ACT FOR SUPPLYING THE TREASURY WITH THE SUM OF TWENTY THOUSAND POUNDS IN BILLS OF CREDIT OF THE NEW TENOR, FOR DISCHARGING THE PUBLIC DEBTS, &c.; AND FOR ESTABLISHING THE WAGES OF SUNDRY PERSONS, &c., IN THE SERVICE OF THE PROVINCE; AND FOR THE DRAWING THE SAID BILLS INTO THE TREASURY AGAIN, [&c.]; AND FOR STATING THE PROPORTION BETWEEN THE BILLS OF THE OLD AND NEW TENOR IN PRIVATE PAYMENTS.

*Be it enacted by His Excellency the Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

[SECT. 1.] That the wages of the captain of Castle William shall be after the rate of four pounds four shillings and eightpence per month, from May the twenty-first, one thousand seven hundred and thirty-seven, to the twentieth of May, one thousand seven hundred and thirty-eight; of the lieutenant, for that term, two pounds eleven shillings and fourpence per month; of the chaplain, two pounds one shilling per month; of the gunner, one pound ten shillings and ninepence per month; of the gunner's mate, one pound[s] six shillings and eightpence per month; of the serjeant, seventeen shillings and tenpence per month; of six quarter-gunners, each seventeen shillings and tenpence per month; of three corporals, each sixteen shillings per month; of a drummer, sixteen shillings per month; of thirty centinels, each thirteen shillings and fourpence per month; for their subsistence, five shillings per week each man. And [that] there be wages and subsistence allowed for fifteen centinels from March the first, one thousand seven hundred and thirty-six, to May the twentieth, one thousand seven hundred and thirty-seven, after the rates above mentioned, which was not provided for in the last supply.

Establishment  
of wages for the  
garrison at  
Castle William.

*And be it further enacted by the authority aforesaid,*

[SECT. 2.] That the wages of the captain of Richmond Fort, from the twenty-first day of May, one thousand seven hundred and thirty-seven, to the first day of August, one thousand seven hundred and thirty-seven, shall be at the rate of one pound six shillings and eightpence per month; of the lieutenant, seventeen shillings and tenpence per month; of a serjeant, seventeen shillings and tenpence per month; of two corporals, each sixteen shillings per month; of sixteen centinels, each thirteen shillings and fourpence per month; of one armourer, two pounds per month; of one interpreter, two pounds per month; of one truck-master, forty pounds per annum, and for the chaplain there, thirty-three pounds six shillings and eightpence per annum: and that from the second day of August, one thousand seven hundred and thirty-seven, to May the twentieth, one thousand seven hundred and thirty-eight, the wages of the captain of Richmond Fort shall be at the rate of one pound six shillings and eightpence per month; and of ten centinels, each thirteen shillings and fourpence per month; of one interpreter, two pounds per month; of one armourer, two pounds per month; one truck-master, at forty pounds per annum; and for the chaplain there, thirty-three pounds six shillings and eightpence per annum; and

Richmond Fort.

that there be wages allowed for one serjeant, a corporal and six centinels, from March the first, one thousand seven hundred and thirty-six, to May the twentieth, one thousand seven hundred and thirty-seven, after the rates abovementioned, which was not provided for in the last supply.

*And be it further enacted by the authority aforesaid,*

Truck-house at  
George's River.

[SECT. 3.] That the wages of the captain of the truck-house on George's River, from the twenty-first of May, one thousand seven hundred and thirty-seven, to May the twentieth, one thousand seven hundred and thirty-eight, shall be at the rate of one pound six shillings and eightpence per month; of one lieutenant, seventeen shillings and tenpence per month; of one serjeant, seventeen shillings and tenpence per month; of two corporals, each sixteen shillings per month; of sixteen centinels, each thirteen shillings and fourpence per month; of one armourer, two pounds per month; of one interpreter, two pounds per month; of one truck-master, after the rate of forty pounds per annum; and to the chaplain there, after the rate of thirty-three pounds six shillings and eightpence per annum: and that there be wages allowed for a serjeant, one corporal and six centinels, after the rates abovementioned, from the first of March, one thousand seven hundred and thirty-six, to May the twentieth, one thousand seven hundred and thirty-seven.

*And be it further enacted by the authority aforesaid,*

Brunswick  
Fort.

[SECT. 4.] That the wages of the captain of the fort at Brunswick, from the first of March, one thousand seven hundred and thirty-six, to the first of August, one thousand seven hundred and thirty-seven, shall be at the rate of one pound six shillings and eightpence per month; of one lieutenant, seventeen shillings and tenpence per month; of one corporal, sixteen shillings per month; of thirteen centinels, each thirteen shillings and fourpence per month: and from the first of August, one thousand seven hundred and thirty-seven, to the twentieth of May, one thousand seven hundred and thirty-eight, the wages of the commanding officer of said fort, shall be seventeen shillings and tenpence per month; of six centinels, each thirteen shillings and fourpence per month.

*And be it further enacted by the authority aforesaid,*

Block-house  
above North-  
field.

[SECT. 5.] That the wages of the captain of the truck-house above Northfield, from May the twenty-first, one thousand seven hundred and thirty-seven, to the twentieth of May, one thousand seven hundred and thirty-eight, shall be at the rate of one pound six shillings and eightpence per month; of one lieutenant, seventeen shillings and tenpence per month; of one serjeant, seventeen shillings and tenpence per month; of one corporal, sixteen shillings per month; of sixteen centinels, each thirteen shillings and fourpence per month; the truck-master, at the rate of thirty-three pounds six shillings and eightpence per annum; of the chaplain there, at the rate of thirty-three pounds six shillings and eightpence per annum; and that there be allowed for the subsistence of each man, two shillings and eightpence per week: and that there be wages and subsistence allowed, after the rate abovementioned, for one serjeant and four centinels, from March the first, one thousand seven hundred and thirty-six, to May the twentieth, one thousand seven hundred and thirty-seven, which was not provided for in the last supply.

*And be it further enacted by the authority aforesaid,*

Truck-house at  
Saco River.

[SECT. 6.] That the wages of the captain of the truck-house at Saco, from May the twenty-first, one thousand seven hundred and thirty-seven, to May the twentieth, one thousand seven hundred and thirty-eight, shall be at the rate of one pound six shillings and eightpence



per month; of one lieutenant, seventeen shillings and tenpence per month; of one corporal, sixteen shillings per month; of thirteen centinels, each thirteen shillings and fourpence per month; of one interpreter, two pounds per month; of one armourer, two pounds per month; of the truck-master, at the rate of forty pounds per annum: and that there be wages allowed to five centinels, at the rates aforesaid, from March the first, one thousand seven hundred and thirty-six, to May the twentieth, one thousand seven hundred and thirty-seven, for whom no provision was made in the last supply.

*And be it further enacted by the authority aforesaid,*

[SECT. 7.] That the wages of the captain of Fredrick Fort, from the first of March, one thousand seven hundred and thirty-six, to the first of August, one thousand seven hundred and thirty-seven, shall be at the rate of one pound six shillings and eightpence per month; of the lieutenant, at seventeen shillings and tenpence per month; of the corporal, sixteen shillings per month; of fifteen centinels, each thirteen shillings and fourpence per month.

Frederick Fort.

*And be it further enacted by the authority aforesaid,*

[SECT. 8.] That the wages of the captain of the sloop in the country's service, from the twenty-first of May, one thousand seven hundred and thirty-seven, to the first of August, one thousand seven hundred and thirty-seven, shall be at the rate of two pounds per month; of the mate, one pound six shillings and eightpence per month; of [the] [three] sailors, at twenty shillings per month each; for the sloop, six pounds thirteen shillings and fourpence per month.

Sloop in the country's service.

*And be it further enacted by the authority aforesaid,*

[SECT. 9.] That before payment of any muster-roll be allowed, oath be made by the officer or person presenting such roll, that the officers and so[ldiers] born on said roll have been in actual service for the whole time they stand entered thereon.

Oath to be made to the muster-roll.

*And be it further enacted by the authority aforesaid,*

[SECT. 10.] That there be forthwith imprinted a certain number of bills of credit on this province, of the new tenor and form, which in the whole will amount to the sum of twenty thousand pounds, pursuant to the vote or order of this court in their present session, to be signed by the committee heretofore appointed; and the said committee are hereby directed and empowered to take care and make effectual provision, so soon as may be, to imprint the said bills, and to sign[e] and deliver the same to the treasurer, taking his receipt for the same; and the said committee shall be under oath for the faithful[1] performance of the trust by this act reposed in them, and be rewarded for their service as by this court shall be determined.

£20,000 of bills of credit of the new form and tenor to be made.

*And be it further enacted by the authority aforesaid,*

[SECT. 11.] That the treasurer be and hereby is impow[er]ed and ordered to issue forth and emit the said sum of twenty thousand pounds, for the necessary support and defence of the government, and for the protection and preservation of the inhabitants thereof: vizt., the sum of two thousand seven hundred twenty-one pounds two shillings, part of the aforesaid sum of twenty thousand pounds, to be applied to pay the wages that now are or that hereafter may be due by virtue of the establishment of Castle William, Richmond Fort, George's Truck-house, Fredrick's Fort, Saco Truck-house Brunswick Fort, and the block-house above Northfield and the sloop in the country's service; and twelve thousand six hundred thirty-eight pounds eighteen shillings more, part of the aforesaid sum of twenty thousand pounds, shall be applied for the payment of his majesty's council, and to pay such grants as are or shall be made by this court, and for the payment of stipends, bounties and premiums established by law, and for the

£2,721 2s. appropriated for the garrisons, &c.

£12,638 18s. for payment of the council, grants and matters where there is no establishment.



£2,840 for discharging other debts.

payment of all other matters and things which this court have or shall, either by law or orders, provide for the payment of out of the public treasury, and for no other purpose whatsoever; and the sum of two thousand eight hundred and forty pounds, part of said sum of twenty thousand pounds shall be appl[i][y]ed for the discharge of other debts owing from this province to persons who have served or shall serve them by order of this court, in such matters and things where there is no establishment nor any certain sum assigned for such service, and for paper, printing and writing for this court, the expences of committees of council, or of the house, or of both houses, entertainment[s] of Indians, and presents made them by this court, the surgeons for Castle William, wooding of Castle William, the treasurer's usual disbursements for forts, truck-houses, &c.; and that the sum of one hundred and forty pounds more, part of the said sum of twenty thousand pounds, shall be applied for the paying [of] the hire of the sloop to be employed in the service of the government, in transporting the stores and goods to and from the several forts and truck-houses the current year, in the eastern parts of the province.

£140 for sloop-hire.

And whereas there are sometimes public entertainments, and from time to time contingent and unforeseen charges that demand prompt payment,—

*Be it further enacted,*

£160 for contingent charges.

[SECT. 12.] That one hundred and sixty pounds, part of the aforesaid sum of twenty thousand pounds, be appl[i][y]ed to defray and pay such entertainments and contingent charges, and for no other use whatsoever.

*And be it further enacted by the authority aforesaid,*

Surplusage to lie for further order.

[SECT. 13.] That if there be a surplusage in any sum appropriated, such surplusage shall lie in the treasury for the further order of this court.

*And be it further enacted by the authority aforesaid,*

Warrants to express the appropriation.

[SECT. 14.] That each and every warrant for drawing money out of the treasury, shall direct the treasurer to take the same out of such sums as are respectively appropriated for the payment of such public debts as the draughts are made to discharge. And the treasurer is hereby directed and ordered to pay such money out of such appropriations as directed to, and no other, upon pain of refunding all such sum or sums as he shall otherwise pay; and to keep exact and distinct accompts of all payments made out of such appropriated sums; and that the secretary to whom it belongs to keep the muster-rolls and accompts of charge, be directed to lay before the house all such muster-rolls and accompts when desired, after payment thereof.

*And be it further enacted by the authority aforesaid,*

Fund of £5,000 in a tax appropriated on the towns.

[SECT. 15.] That as a fund and security for the drawing in and repayment of the said bills into the publick treasury, and to no other use and purpose whatsoever, there be and hereby is granted unto his most excellent majesty, a tax of six thousand pounds, to be levied on polls, and estates both real and personal. and by no other way, within this province; and that each town and district be assessed and pay as such town's and district's proportion of the aforesaid sum of six thousand pounds, the sum affixed to such towns respectively, as follows; that is to say,—

#### IN THE COUNTY OF SUFFOLK.

Boston, one thousand and eighty pounds, . . .	£1,080	0s. 0d.
Roxbury, fifty-two pounds six shillings, . . .	52	6 0
Dorchester, fifty-one pounds ten shillings, . . .	51	10 0
Hingham, fifty-six pounds sixteen shillings, . . .	56	16 0

Brantry, forty-nine pounds and sixpence, . . .	£49	0s. 6d.
Weymouth, thirty-three pounds eight shillings, . .	33	8 0
Medfield, twenty-five pounds eight shillings and sixpence, . . .	25	8 6
Medway, eighteen pounds five shillings and sixpence, .	18	5 6
Dedham, thirty nine pounds fourteen shillings and sixpence, . . .	39	14 6
Milton, twenty-five pounds one shilling and sixpence, .	25	1 6
Wrentham, thirty-seven pounds twelve shillings and sixpence, . . .	37	12 6
Stoughton, twenty-nine pounds sixteen shillings and sixpence, . . .	29	16 6
Needham, twenty-two pounds five shillings and sixpence, . . .	22	5 6
Bellingham, ten pounds eighteen shillings, . . .	10	18 0
Walpole, ten pounds seven shillings and sixpence, . .	10	7 6
Hull, ten pounds eleven shillings and sixpence, . .	10	11 6
Brookline, nineteen pounds thirteen shillings, . .	19	13 0

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£1,572 15s. 0d.

## IN THE COUNTY OF ESSEX.

Salem, one hundred and seventy-two pounds ten shillings, . . .	£172	10s. 0d.
Ipswich, one hundred and sixty-nine pounds, . . .	169	0 0
Newbury, one hundred forty-one pounds fifteen shillings, . . .	141	15 0
Marblehead, one hundred and twenty pounds, . . .	120	0 0
Lynn, fifty-seven pounds ten shillings and sixpence, .	57	10 6
Andover, sixty-nine pounds fifteen shillings and sixpence, . . .	69	15 6
Beverly, forty-six pounds seventeen shillings and sixpence, . . .	46	17 6
Rowley, forty-five pounds ten shillings, . . .	45	10 0
Salisbury, fifty-three pounds, . . .	53	0 0
Haverhill, fifty-six pounds six shillings and sixpence, .	56	6 6
Glocester, seventy-eight pounds ten shillings and sixpence, . . .	78	10 6
Topsfield, twenty-one pounds fifteen shillings and sixpence, . . .	21	15 6
Boxford, twenty-seven pounds eight shillings, . . .	27	8 0
Almsbury, forty-seven pounds, . . .	47	0 0
Bradford, twenty-five pounds ten shillings and sixpence, . . .	25	10 6
Wenham, twenty pounds eight shillings and sixpence, .	20	8 6
Manchester, seventeen pounds two shillings, . . .	17	2 0
Methuen, eighteen pounds five shillings, . . .	18	5 0
Middletown, fifteen pounds fourteen shillings, . . .	15	14 0
Rumford, six pounds, . . .	6	0 0

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£1,209 19s. 0d.

## IN THE COUNTY OF MIDDLESEX.

Cambridge, thirty-nine pounds four shillings and sixpence, . . .	£39	4s. 6d.
Charlstown, one hund[red] and thirteen pounds three shillings and sixp., . . .	113	3 6
Watertown, forty-six pounds seven shillings, . . .	46	7 0
Concord, fifty-four pounds eighteen shillings, . . .	54	18 0
Weston, twenty-two pounds six shillings and sixpence, .	22	6 6

Woburn, forty-two pounds nineteen shillings, . . .	£42 19s. 0d.
Reading, forty pounds sixteen shillings and sixpence, . . .	40 16 6
Sudbury, forty-eight pounds nine shillings and sixpence, . . .	48 9 6
Marlborough, forty pounds four shillings and sixpence, . . .	40 4 6
Lexington, thirty pounds seven shillings and sixpence, . . .	30 7 6
Newton, thirty-six pounds seventeen shillings, . . .	36 17 0
Malden, thirty-four pounds ten shillings, . . .	34 10 0
Chelmsford, twenty-seven pounds thirteen shillings and sixpence, . . .	27 13 6
Billerica, thirty pounds seventeen shillings, . . .	30 17 0
Sherburn, eighteen pounds one shilling, . . .	18 1 0
Holliston, twelve pounds five shillings and sixpence, . . .	12 5 6
Groton, thirty-four pounds fifteen shillings and sixpence, . . .	34 15 6
Framingham, thirty-five pounds eight shillings and sixpence, . . .	35 8 6
Medford, nineteen pounds two shillings, . . .	19 2 0
Stow, seventeen pounds one shilling, . . .	17 1 0
Dunstable, ten pounds seventeen shillings, . . .	10 17 0
Dracut, eleven pounds, . . .	11 0 0
Stoneham, twelve pounds eleven shillings, . . .	12 11 0
Littleton, seventeen pounds fifteen shillings and sixpence, . . .	17 15 6
Hopkington, fifteen pounds, . . .	15 0 0
Bedford, thirteen pounds eight shillings and sixpence, . . .	13 8 6
Westford, eighteen pounds one shilling, . . .	18 1 0
Wil[ ]mington, eleven pounds and sixpence, . . .	11 0 6
Nottingham, seven pounds fourteen shillings and sixpence, . . .	7 14 6
Tew[c]sbury, nine pounds eighteen shillings and sixpence, . . .	9 18 6
Acton, six pounds eleven shillings, . . .	6 11 0

£879 5s. 0d.

## IN THE COUNTY OF HAMPSHIRE.

Springfield, sixty-five pounds twelve shillings and sixpence, . . .	£65 12s. 6d.
Northampton, forty-six pounds twelve shillings and sixpence, . . .	46 12 6
Hadley, thirty-three pounds fifteen shillings, . . .	33 15 0
Hatfield, twenty-seven pounds sixteen shillings, . . .	27 16 0
Westfield, twenty-nine pounds two shillings and sixpence, . . .	29 2 6
Susfield, thirty-six pounds twelve shillings and sixpence, . . .	36 12 6
Enfield, twenty pounds four shillings, . . .	20 4 0
Deerfield, eighteen pounds seven shillings and sixpence, . . .	18 7 6
Sunderland, nine pounds twelve shillings and sixpence, . . .	9 12 6
Northfield, fifteen pounds, . . .	15 0 0
Brimfield, fifteen pounds seven shillings, . . .	15 7 0
Somers, nine pounds thirteen shillings and sixpence, . . .	9 13 6

£327 15s. 6d.

## IN THE COUNTY OF WORCESTER.

Worcester, nineteen pounds ten shillings, . . .	£19 10s. 0d.
Lancaster, forty-four pounds ten shillings, . . .	44 10 0
Mendon, twenty-nine pounds six shillings and sixpence, . . .	29 6 6
Woodstock, thirty pounds twelve shillings, . . .	30 12 0

Brookfield, twenty-four pounds eighteen shillings and sixpence, . . . . .	£24 18s. 6d.
Southborough, seventeen pounds one shilling, . . . . .	17 1 0
Liecester, fourteen pounds eleven shillings, . . . . .	14 11 0
Rutland, nine pounds three shillings and sixpence, . . . . .	9 3 6
Lumenburgh, nine pounds fifteen shillings, . . . . .	9 15 0
Westborough, seventeen pounds three shillings and sixpence, . . . . .	17 3 6
Shrewsbury, sixteen pounds seventeen shillings and sixpence, . . . . .	16 17 6
Oxford, ten pounds ten shillings, . . . . .	10 10 0
Sutton, twenty pounds eighteen shillings and sixpence, . . . . .	20 18 6
Uxbridge, fifteen pounds three shillings, . . . . .	15 3 0
Harvard, twelve pounds two shillings, . . . . .	12 2 0
Grafton, ten pounds thirteen shillings, . . . . .	10 13 0
Upton, three pounds six shillings and sixpence, . . . . .	3 6 6

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£306 1s. 6d.

## IN THE COUNTY OF PL[Y][I]MOUTH.

Pl[y][i]mouth, fifty-eight pounds six shillings, . . . . .	£58 6s. 0d.
Plimpton, twenty-six pounds four shillings, . . . . .	26 4 0
Seituate, seventy-four pounds three shillings, . . . . .	74 3 0
Bridgwater, sixty-seven pounds eleven shillings, . . . . .	67 11 0
Marshfield, forty-one pounds five shillings and sixpence, . . . . .	41 5 6
Pembroke, twenty-two pounds one shilling and sixpence, . . . . .	22 1 6
Duxbury, twenty-two pounds one shilling and sixpence, . . . . .	22 1 6
Middleborough, forty-six pounds nine shillings and sixpence, . . . . .	46 9 6
Rochester, forty-one pounds nineteen shillings and sixpence, . . . . .	41 19 6
Abington, thirteen pounds two shillings, . . . . .	13 2 0
Kingston, fifteen pounds seven shillings and sixpence, . . . . .	15 7 6
Hanover, eighteen pounds fifteen shillings and sixpence, . . . . .	18 15 6
Hallifax, twelve pounds fifteen shillings, . . . . .	12 15 0

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£460 1s. 6d.

## IN THE COUNTY OF BARNSTABLE.

Barnstable, sixty-seven pounds eight shillings, . . . . .	£67 8s. 0d.
Yarmouth, forty-two pounds fifteen shillings and sixpence, . . . . .	42 15 6
Sandwich, thirty-nine pounds, . . . . .	39 0 0
Eastham, forty-eight pounds thirteen shillings, . . . . .	48 13 0
Truro, sixteen pounds four shillings, . . . . .	16 4 0
Harwich, thirty-one pounds thirteen shillings and sixpence, . . . . .	31 13 6
Falmouth, twenty-four pounds nineteen shillings and sixpence, . . . . .	24 19 6
Chatham, eighteen pounds fourteen shillings, . . . . .	18 14 0
Provincetown, seven pounds fourteen shillings, . . . . .	7 14 0

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£297 1s. 6d.

## IN THE COUNTY OF BRISTOL[L].

Bristol[l], forty-four pounds eleven shillings, . . . . .	£44 11s. 0d.
Taunton, fifty-five pounds ten shillings and sixpence, . . . . .	55 10 6
Norton, thirty-one pounds seventeen shillings, . . . . .	31 17 0
Easton, ten pounds eight shillings and sixpence, . . . . .	10 8 6

Dartmouth, eighty-six pounds thirteen shillings and sixpence, . . . . .	£86 13s. 6d.
Dighton, twenty pounds and sixpence, . . . . .	20 0 6
Rehoboth, seventy pounds, . . . . .	70 0 0
Little Compton, forty-three pounds fifteen shillings and sixpence, . . . . .	43 15 6
Swansey, forty-nine pounds ten shillings, . . . . .	49 10 0
Tiverton, twenty-four pounds, . . . . .	24 0 0
Freetown, twenty pounds two shillings, . . . . .	20 2 0
Attleborough, thirty-six pounds ten shillings and sixpence, . . . . .	36 10 6
Barrington, seventeen pounds, . . . . .	17 0 0
Raynham, eleven pounds fifteen shillings and sixpence, . . . . .	11 15 6
Berk[e]ley, twelve pounds nine shillings and sixpence, . . . . .	12 9 6
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	£534 4s. 0d.

## IN THE COUNTY OF YORK.

York, fifty-two pounds eight shillings and sixpence, . . . . .	£52 8s. 6d.
Kittery, sixty-seven pounds twelve shillings, . . . . .	67 12 0
Berwick, thirty-five pounds six shillings, . . . . .	35 6 0
Wells, twenty-nine pounds fourteen shillings, . . . . .	29 14 0
Falmouth, thirty-three pounds sixteen shillings and sixpence, . . . . .	33 16 6
Biddeford, thirteen pounds five shillings and sixpence, . . . . .	13 5 6
Arundel, twelve pounds seven shillings and sixpence, . . . . .	12 7 6
Scarborough, twenty-four pounds seventeen shillings, . . . . .	24 17 0
North Yarmouth, eight pounds sixteen shillings, . . . . .	8 16 0
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	£278 3s. 0d.

## IN THE COUNTY OF DUKES COUNTY.

Edgartown, twenty-four pounds, . . . . .	£24 0s. 0d.
Chilmark, twenty-nine pounds eighteen shillings and eightpence, . . . . .	29 18 8
Tisbury, sixteen pounds eleven shillings and fourpence, . . . . .	16 11 4
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	£70 10s. 0d.

## IN NANTUCKET COUNTY.

Sherbo[u]rn, sixty-four pounds four shillings, . . . . .	£64 4s. 0d.
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Suffolk, fifteen hundred seventy-two pounds fifteen shillings, . . . . .	£1,572 15s. 0d.
Essex, twelve hundred and nine pounds nineteen shillings, . . . . .	1,209 19 0
Middlesex, eight hundred seventy-nine pounds five shillings, . . . . .	879 5 0
Hampshire, three hundred twenty-seven pounds fifteen shill[ings] and sixpence, . . . . .	327 15 6
Worcester, three hundred [and] six pounds one shilling and sixpence, . . . . .	306 1 6
Pl[y][i]mouth, four hundred sixty pounds one shilling and sixpence, . . . . .	460 1 6
Bristol[l], five hundred thirty-four pounds four shillings, . . . . .	534 4 0
Barnstable, two hundred ninety-seven pounds, one shill[ing] and sixpence, . . . . .	297 1 6
York, two hundred seventy-eight pounds three shillings, . . . . .	278 3 0



Dukes County, seventy pounds ten shillings,	. . .	£70 10s. 0d.
Nantucket[t], sixty-four pounds four shillings,	. . .	64 4 0
		£6,000 0s. 0d.

*And be it further enacted by the authority aforesaid,*

[SECT. 16.] That the treasurer do, sometime in the month of June, Rules for assessing the tax. one thousand seven hundred and thirty-eight, send out his warrants, directed to the selectmen or assessors of each town or district within this province, requiring them respectively to assess the sum hereby set upon such town and district in manner following; that is to say, to assess all rateable male polls above the age of sixteen years, at one shilling and sixpence per poll (except the governor, lieutenant-governor and their famil[ie][y]s, the president, fellows and students of Harvard College, settled ministers and gramm[a][e]r school masters), who are hereby exempted as well for being taxed for their polls, as for their estates (being in their own hands and under their actual management and improvement), and other persons, if such there be, who, thro' age, infirmity or extream poverty, in the judgment of the assessors, are not capable to pay towards publick charges, they may except their polls and so much of their estates as, in their prudence, they shall think fit[t] and judge meet; and all estate, both real and personal, lying within the limit[t]s and bounds of such town or district, or next unto the same, not paying elsewhere, in whose hands, tenure, occupation or possession soever the same is or shall be found, and income by trade [and] [or] faculty which any person or persons (except as before excepted) do or shall exercise in gaining by money or other estate not particularly otherwise assessed, or commissions of profit in their improvement, according to their understanding and cunning, at one pen[n]y on the pound, and to abate or multiply the same, if need be, so as to make up the sum hereby set and ordered for such town or district to pay; and, in making their assessments, to estimate houses and lands at six years income of the yearly rents in money, whereat the same may be reasonably set or lett for in the place where they lie: *saving* all contracts between landlord and tenant, and where no such contract is, the landlord to reimburse one half of the tax set upon such houses and lands; and to estimate Indian, negro and molatto servants proportionably as other personal estate, according to their sound judgment and discretion; as also to estimate every ox of four years old and upwards, at forty shillings; every cow of three years old and upwards, at thirty shillings; every horse and mare of three years old and upwards, at forty shillings; every swine of one year old and upwards, at eight shillings; every goat and sheep of one year old and upwards, at three shillings: likewise requiring the assessors to make a fair list of said assessment, setting forth, in distinct columns against each particular person's name, how much he or she is assessed at for polls, and how much for houses and lands, and how much for personal estate, and income by trade or faculty; and the list or lists so perfected and signed by them, or the major part of them, to commit to the collectors, constable or constables of such town or district, and to return a certificate of the name or names of such collectors, constable or constables, together with the sum total[l] to each of them committed, unto himself sometime before the last day of October then next following.

[SECT. 17.] And the treasurer for the time being, upon the receipt of such certificate, is hereby impow[er]red and ordered to issue forth his warrant to the collector, constable or constables of such town or district, requiring him or them, respectively, to collect the whole of each respective sum assessed on each particular person, before the last day of March then next following, and of the inhabitants of the town of

Boston to collect their proportion sometime in the month of January then next following, and to pay in their collection and issue the acco[mp][un]ts of the whole at or before the last day of May then next following, which will be in the year of our Lord one thousand seven hundred and thirty-nine.

*And be it further enacted by the authority aforesaid,*

Notifications to be given of the assessment.

Persons to bring in a list.

Penalty in case of a false list.

[SECT. 18.] That the assessors of each town and district, respectively, in convenient time before their making the assessment, shall give seasonable warning to the inhabitants in a town-meeting, or by posting up notifications in some place or places in such town or district, or otherwise to notify the inhabitants to give or bring in to the assessors true and perfect lists of their polls and ratable estates; and if any person or persons shall neglect or refuse so to do, or bring in a false list, it shall be lawful[1] to and for the assessors to assess such person or persons according to their known ability in such town, in their sound judgment and discretion, their due proportion to this tax as near as they can, agreeable to the rules herein given, under the penalty of twenty shillings for each person that shall be convicted by legal[1] proof, in the judgment of the assessors, of bringing in a false list; the said fines to be for the use of the poor of such town or district where the delinquent lives, to be levied by warrant from the assessors directed to the collector or constables, in manner as is directed for gathering town assessments, and to be paid in to the town treasurer or selectmen for the use aforesaid: *saving* to the party a[g]gr[e]i[e]ved at the judgment of the assessors in setting forth such fine, liberty of appeal therefrom to the court of general sessions of the peace within the county for rel[e]i[e]f, as in case of being over-rated. And if any person or persons shall not bring in a list of their estate as aforesaid to the assessors, he or they so neglecting shall not be admitted to make application to the court of sessions for any abatement of the assessment laid on him.

[SECT. 19.] And if the party be not convicted of any falseness in the list by him presented, of polls, ratable estate or income by any trade or faculty, which he doth or shall exercise in gaining by money at interest or otherwise, or other estate not particularly assessed, such list shall be a rule for such person's proportion to the tax, which the assessors may not exceed.

Preamble.

*And forasmuch*, as oftentimes sundry persons, not belonging to this province, bring considerable trade and merchandize, and by reason that the tax or rate of the town where they come to trade or traffick is finished and delivered to the constable or collectors, and before the next year's assessment are gon[e] out of the province, and so pay nothing towards the support of the government, tho'[ugh] in the time of their residing here they reaped considerable gain by trade, and had the protection of the government,—

*Be it further enacted by the authority aforesaid,*

Transient traders to be rated.

[SECT. 20.] That when any such person or persons shall come and reside in any town of this province, and bring any merchandize, and trade and deal therewith, the assessors of such town are hereby impow[er]ed to rate and assess all such persons according to their circumstances, pursuant to the rules and directions in this act provided, tho' the former rate may have been finished and the new one not perfected as aforesaid; and the constables or collectors are hereby enjoined to levy and collect all such sums committed unto them, and [to] pay the same into the town treasury.

Provido.

*Provided, always,*

[SECT. 21.] That the general court at their session in May, one thousand seven hundred and thirty-eight, may, if they think fit, by an

act then to be made, apportion the aforesaid sum of six thousand pounds on the several towns of this province, anything in this act notwithstanding.

*And be it further enacted by the authority aforesaid,*

[SECT. 22.] That the inhabitants of this province shall have liberty, if they see fit, to pay the several sums for which they may, respectively, be assessed at, as their proportion of the aforesaid sum of six thousand pounds in bills of publick credit of the new tenor, according to their several denominations, or in bills of the old tenor in proportion of three to one, or in coined silver at six shillings and eightpence per ounce, Troy weight, or in gold coin at the rate of four pounds eighteen shillings per ounce, or in hemp or flax, the hemp to be received by the treasurer at fourpence per pound, and flax at sixpence per pound; which hemp and flax, as soon as conveniently, may be disposed of by the treasurer to the best advantage, for so much as it will fetch in bills of credit of either tenor, or for silver and gold; and if any loss shall happen by the sale of the aforesaid species, or by any unforeseen accident, such deficiency shall be made good by a tax of the year next following, so as fully and effectually to call in the whole sum of six thousand pounds in said bills hereby ordered to be emitted; and if there be a surplusage, it shall remain a stock in the treasury.

Tax may be paid in other species besides the bills emitted.

*And be it further enacted by the authority aforesaid,*

[SECT. 23.] That if it shall happen that any of the bills of the new tenor and form by this act to be emitted, shall be outstanding and not paid in for taxes, &c., [unto] the constables or collectors of the publick taxes, or to the treasurer or other receivers of public duties, that whosoever shall have any such bills in his hands or possession, may, at any time after the last day of December, which will be in the year of our Lord one thousand seven hundred and forty-two, bring them to the treasurer and receive in exchange for every six shillings and eightpence of s[ai]d bills, one ounce of silver or the like value in gold, and proportionably for a greater or lesser sum; and the treasurer is hereby ordered to exchange them accordingly.

Bills outstanding in Dec., 1742, to be paid off in silver and gold.

*And be it further enacted by the authority aforesaid,*

[SECT. 24.] That as a further fund and security for the drawing in and repayment of the said bills into the publick treasury, and to [no] other use and purpose whatsoever, there be and hereby is granted unto his most excellent majesty, a tax of twelve thousand five hundred pounds, to be levied on polls, and estates both real[ly] and personal, and by no other way, within this province; and that each town and district be assessed and pay as such town's and district's proportion of the aforesaid sum of twelve thousand five hundred pounds, the sum affixed to such towns, respectively, as follows; that is to say,—

Further fund of £12,500, in a tax apportioned on the towns.

#### IN THE COUNTY OF SUFFOLK.

Boston, two thousand two hundred and fifty pounds,	£2,250	0s. 0d.
Roxbury, one hundred eight pounds nineteen shillings and twopence,	108	19 2
Dorchester, one hundred seven pounds five shillings and tenpence,	107	5 10
Hingham, one hundred eighteen pounds six shillings and eightpence,	118	6 8
Brantrey, one hundred two pounds two shillings and eightpence,	102	2 8
Weymouth, sixty-nine pounds eleven shillings and eightpence,	69	11 8
Medfield, fifty-two pounds nineteen shillings and fourpence,	52	19 4

Medway, thirty-eight pounds one shilling and sixpence,	£38	1s.	6d.
Dedham, eighty-two pounds fifteen shillings and three-pence,	82	15	3
Milton, fifty-two pounds four shillings and ninepence,	52	4	9
Wrentham, seventy-eight pounds seven shillings and ninepence,	78	7	9
Stoughton, sixty-two pounds two shillings and eight-pence,	62	2	8
Needham, forty-six pounds eight shillings and two-pence,	46	8	2
Bellingham, twenty-two pounds fourteen shillings and two-pence,	22	14	2
Walpole, twenty-one pounds twelve shillings and three-pence,	21	12	3
Hull, twenty-two pounds and eightpence,	22	0	8
Brookline, forty pounds eighteen shillings and nine-pence,	40	18	9

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£3,276 11s. 3d.

## IN THE COUNTY OF ESSEX.

Salem, three hundred fifty-nine pounds seven shillings and sixpence,	£359	7s.	6d.
Ipswich, three hundred fifty-two pounds one shilling and eightpence,	352	1	8
Newbury, two hundred ninety-five pounds six shillings and threepence,	295	6	3
Marblehead, two hundred and fifty pounds,	250	0	0
Lynn, one hundred nineteen pounds sixteen shillings and tenpence,	119	16	10
Andover, one hundred forty-five pounds seven shillings and fourpence,	145	7	4
Beverly, ninety-seven pounds thirteen shillings and one penny,	97	13	1
Rowley, ninety-four pounds fifteen shillings and ten-pence,	94	15	10
Salisbury, one hundred ten pounds eight shillings and fourpence,	110	8	4
Haverhill, one hundred seventeen pounds six shillings and tenpence,	117	6	10
Gloicester, one hundred sixty-three pounds eleven shillings and elevenpence,	163	11	11
Topsfield, forty-five pounds seven shillings and four-pence,	45	7	4
Boxford, fifty-seven pounds one shilling and eight-pence,	57	1	8
Almsbury, ninety-seven pounds eighteen shillings and fourpence,	97	18	4
Bradford, fifty-three pounds three shillings and six-pence,	53	3	6
Wenham, forty-two pounds eleven shillings and one penny,	42	11	1
Manchester, thirty-five pounds twelve shillings and six-pence,	35	12	6
Methuen, thirty-eight pounds and fivepence,	38	0	5
Middleton, thirty-two pounds fourteen shillings and two-pence,	32	14	2
Rumford, twelve pounds [and] ten shillings,	12	10	0

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£2,520 14s. 7d.

## IN THE COUNTY OF MIDDLESEX.

Cambridge, eighty-one pounds fourteen shillings and fourpence, . . . . .	£81 14s. 4d.
Charlstown, two hundred thirty-five pounds fifteen shill[ings] and eightpence, . . . . .	235 15 8
Watertown, ninety-six pounds eleven shillings and threepence, . . . . .	96 11 3
Concord, one hundred fourteen pounds seven shillings and sixpence, . . . . .	114 7 6
Weston, forty-six pounds ten shillings and twopence, . . . . .	46 10 2
Woburn, eighty-nine pounds nine shillings and sevenpence, . . . . .	89 9 7
Reading, eighty-five pounds one shilling, . . . . .	85 1 0
Sudbury, one hundred pounds nineteen shillings and tenpence, . . . . .	100 19 10
Marlborough, eighty-three pounds sixteen shillings, . . . . .	83 16 0
Lexington, sixty-three pounds five shillings and eightpence, . . . . .	63 5 8
Newton, seventy-six pounds fifteen shillings and fivepence, . . . . .	76 15 5
Malden, seventy-one pounds seventeen shillings and sixpence, . . . . .	71 17 6
Chelmsford, fifty-seven pounds thirteen shillings and one penny, . . . . .	57 13 1
Billerica, sixty-four pounds five shillings and fivepence, . . . . .	64 5 5
Sherb[o]urn, thirty-seven pounds twelve shillings and one pen[n]y, . . . . .	37 12 1
Holliston, twenty-five pounds eleven shillings and sixpence, . . . . .	25 11 6
Groton, seventy-two pounds eight shillings and elevenpence, . . . . .	72 8 11
Framingham, seventy-three pounds sixteen shillings and one pen[n]y, . . . . .	73 16 1
Medford, thirty-nine pounds fifteen shillings and tenpence, . . . . .	39 15 10
Stow, thirty-five pounds ten shillings and fivepence, . . . . .	35 10 5
Dunstable, twenty-two pounds twelve shillings and one pen[n]y, . . . . .	22 12 1
Dracut, twenty-two pounds eighteen shillings and fourpence, . . . . .	22 18 4
Stoneham, twenty-six pounds two shillings and elevenpence, . . . . .	26 2 11
Littleton, thirty-seven pounds and eightpence, . . . . .	37 0 8
Hopkinton, thirty-one pounds five shillings, . . . . .	31 5 0
Bedford, twenty-seven pounds nineteen shillings and fivepence, . . . . .	27 19 5
Westford, thirty-seven pounds twelve shillings and one pen[n]y, . . . . .	37 12 1
Will[ing]mington, twenty-two pounds nineteen shillings and fourpence, . . . . .	22 19 4
Nottingham, sixteen pounds one shilling and elevenpence, . . . . .	16 1 11
Tewksbury, twenty pounds thirteen shillings and sixpence, . . . . .	20 13 6
Acton, thirteen pounds twelve shillings and elevenpence, . . . . .	13 12 11

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£1,831 15s. 5d.



## IN THE COUNTY OF HAMPSHIRE.

Springfield, one hundred thirty-six pounds fourteen shill[ings] and fourpence, . . . . .	£136 14s. 4d.
Northampton, ninety-seven pounds two shillings and ninepence, . . . . .	97 2 9
Hadley, seventy pounds six shillings and threepence, . . . . .	70 6 3
Hatfield, fifty-seven pounds eighteen shillings and fourpence, . . . . .	57 18 4
Westfield, sixty pound[s] thirteen shillings and sixpence, . . . . .	60 13 6
Sutfield, seventy-six pounds six shillings and one pen[n]y, . . . . .	76 6 1
Enfield, forty-two pounds one shilling and eightpence, . . . . .	42 1 8
Deerfield, thirty-eight pounds five shillings and sevenpence, . . . . .	38 5 7
Sunderland, twenty pounds one shilling and one pen[n]y, . . . . .	20 1 1
Northfield, thirty-one pounds five shillings, . . . . .	31 5 0
Brimfield, thirty-one pounds nineteen shillings and sevenpence, . . . . .	31 19 7
Somers, twenty pounds three shillings and one pen[n]y, . . . . .	20 3 1

£682 17s. 3d.

## IN THE COUNTY OF WORCESTER.

Worcester, forty pounds twelve shillings and sixpence, . . . . .	£40 12s. 6d.
Lancaster, ninety-two pounds fourteen shillings and twopence, . . . . .	92 14 2
Mendon, sixty-one pounds one shilling and elevenpence, . . . . .	61 1 11
Woodstock, sixty-three pounds fifteen shillings, . . . . .	63 15 0
Brookfield, fifty-one pounds eighteen shillings and sevenpence, . . . . .	51 18 7
Southborough, thirty-five pounds ten shilling[s] and fivepence, . . . . .	35 10 5
Leicester, thirty pounds six shillings and threepence, . . . . .	30 6 3
Rutland, nineteen pounds two shillings and threepence, . . . . .	19 2 3
Lunenburg, twenty pounds six shillings and threepence, . . . . .	20 6 3
Westborough, thirty-five pounds fifteen shillings and eightpence, . . . . .	35 15 8
Shrewsbury, thirty-five pounds three shillings and one penny, . . . . .	35 3 1
Oxford, twenty-one pounds seventeen shillings and sixpence, . . . . .	21 17 6
Sutton, forty-three pounds eleven shillings and elevenpence, . . . . .	43 11 11
Uxbridge, thirty-one pounds eleven shillings and threepence, . . . . .	31 11 3
Harvard, twenty-five pounds four shillings and twopence, . . . . .	25 4 2
Grafton, twenty-two pounds three shillings and ninepence, . . . . .	22 3 9
Upton, six pounds eighteen shillings and sixpence, . . . . .	6 18 6

£637 13s. 2d.

## IN THE COUNTY OF PLYMOUTH.

Plymouth, one hundred twenty-one pounds nine shillings and twopence, . . . . .	£121 9s. 2d.
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Pl[ <i>y</i> ][ <i>i</i> ]mpton, fifty-four pounds eleven shillings and eightpence, . . . . .	£54 11s. 8d.
S[ <i>c</i> ]ituate, one hundred fifty-four pounds nine shillings and sevenpence, . . . . .	154 9 7
Bridgewater, one hundred forty pounds fourteen shillings and sevenpence, . . . . .	140 14 7
Mar[ <i>i</i> ]shfield, eighty-five pounds nineteen shillings and ninepence, . . . . .	85 19 9
Pembroke, forty-five pounds nineteen shillings and tenpence, . . . . .	45 19 10
Duxb[ <i>ury</i> ][orough], forty-five pounds nineteen shillings and tenpence, . . . . .	45 19 10
Middleborough, ninety-six pounds sixteen shillings and fivepence, . . . . .	96 16 5
Rochester, eighty-seven pounds eight shillings and elevenpence, . . . . .	87 8 11
Abington, twenty-seven pounds five shillings and tenpence, . . . . .	27 5 10
Kingston, thirty-two pounds and sixpence, . . . . .	32 0 6
Hanover, thirty-nine pounds two shillings and fourpence, . . . . .	39 2 4
Hallifax, twenty-six pounds eleven shillings and fourpence, . . . . .	26 11 4
	£958 9s. 9d.

## IN THE COUNTY OF BARNSTABLE.

Barnstable, one hundred forty pounds eight shillings and fourpence, . . . . .	£140 8s. 4d.
Yarmouth, eighty-nine pounds two shillings and threepence, . . . . .	89 2 3
Sandwich, eighty-one pounds [and] five shillings, . . . . .	81 5 0
Eastham, one hundred [and] one pounds seven shillings and one penny, . . . . .	101 7 1
Truro[ <i>e</i> ], thirty-three pounds [and] fifteen shillings, . . . . .	33 15 0
Harwich, sixty-five pounds nineteen shillings and tenpence, . . . . .	65 19 10
Falmouth, fifty-two pounds and sevenpence, . . . . .	52 0 7
Chatham, thirty-eight pounds nineteen shillings and twopence, . . . . .	38 19 2
Provincetown, sixteen pounds and tenpence, . . . . .	16 0 10
	£618 18s. 1d.

## IN THE COUNTY OF BRISTOL.

Bristol, ninety-two pounds sixteen shillings and threepence, . . . . .	£92 16s. 3d.
Taunton, one hundred fifteen pounds thirteen shillings and sixpence, . . . . .	115 13 6
Norton, sixty-six pounds seven shillings and one penny, . . . . .	66 7 1
Easton, twenty-one pounds fourteen shillings and fivepence, . . . . .	21 14 5
Dartmouth, one hundred eighty pounds eleven shillings and sixpence, . . . . .	180 11 6
Dighton, forty-one pounds fourteen shillings and fivepence, . . . . .	41 14 5
Rehoboth, one hundred forty-five pounds sixteen shillings and eightpence, . . . . .	145 16 8
Little Compton, ninety-one pounds three shillings and elevenpence, . . . . .	91 3 11

Swansey, one hundred three pounds two shillings and sixpence, . . . . .	£103	2s. 6d.
Tiverton, fifty pounds, . . . . .	50	0 0
Freetown, forty-one pounds seventeen shillings and sixpence, . . . . .	41	17 6
Attleborough, seventy-six pounds one shilling and elevenpence, . . . . .	76	1 11
Barrington, thirty-five pounds eight shillings and fourpence, . . . . .	35	8 4
Raynham, twenty-four pounds ten shillings and sevenpence, . . . . .	24	10 7
Berkley, twenty-five pounds nineteen shillings and tenpence, . . . . .	25	19 10

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£1,112 18s. 5d.

## IN THE COUNTY OF YORK.

York, one hundred nine pounds four shillings and fourpence, . . . . .	£109	4s. 4d.
Kittery, one hundred forty pounds sixteen shillings and eightpence, . . . . .	140	16 8
Berwick, seventy-three pounds ten shillings and tenpence, . . . . .	73	10 10
Wells, sixty-one pounds seventeen shillings and sixpence, . . . . .	61	17 6
Falmouth, seventy pounds nine shillings and fivepence, . . . . .	70	9 5
Biddeford, twenty-seven pounds thirteen shillings and one penny, . . . . .	27	13 1
Arundel, twenty-five pounds fifteen shillings and eightpence, . . . . .	25	15 8
Scarborough, fifty-one pounds fifteen shillings and fivepence, . . . . .	51	15 5
North Yarmouth, eighteen pounds six shillings and eightpence, . . . . .	18	6 8

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£579 9s. 7d.

## IN THE COUNTY OF DUKES COUNTY.

Edgartown, fifty pounds, . . . . .	£50	0s. 0d.
Chilmark, sixty-two pounds twelve shillings and one penny, . . . . .	62	12 1
Tisbury, thirty-four pounds five shillings and fivepence, . . . . .	34	5 5

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£146 17s. 6d.

## IN NANTUCKET[T] COUNTY.

Sherbo[u]rn, one hundred thirty-three pounds [and] fifteen shillings, . . . . .	£133	15s. 0d.
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Suffolk, thirty-two hund[red] seventy-six pounds eleven shill[ings] and threep[ence], . . . . .	£3,276	11s. 3d.
Essex, twenty-five hundred twenty pounds fourteen shill[ings] and sevenp[ence], . . . . .	2,520	14 7
Middlesex, eighteen hund[red] thirty-one pounds fifteen shill[ings] and fivep[ence], . . . . .	1,831	15 5
Hampshire, six hundred eighty-two pounds seventeen shill[ings] and threep[ence] . . . . .	682	17 3
Worcester, six hundred thirty-seven pounds thirteen shill[ings] and twop[ence], . . . . .	637	13 2

Pl[y][i]mouth, nine hundred fifty-eight pounds nine shillings and ninep[ence],	£958	9s. 9d
Bristol[l], one thous[and] one hund[red] twelve pounds eighteen shill[ings] and fivepence,	1,112	18 5
Barnstable, six hund[red] eighteen pounds eighteen shill[ings] and one pen[n]y,	618	18 1
York, five hundred seventy-nine pounds nine shillings and sevenpence,	579	9 7
Dukes County, one hundred forty-six pounds seventeen shill[ings] and sixp[ence],	146	17 6
Nantucket[t], one hundred thirty-three pounds fifteen shillings,	133	15 0
	£12,500	0s. 0d.

*And be it further enacted by the authority aforesaid,*

[SECT. 25.] That the treasurer do, sometime in the month of June, one thousand seven hundred and thirty-nine, send out his warrants directed to the selectmen or assessors of each town or district within this province, requiring them respectiv[e]ly to assess the sum hereby set upon such town and district in manner following: that is to say, to assess all rateable male polls above the age of sixteen years at three shillings and one pen[n]y per poll (except the governour, lieutenant-governour and their families, the president, fellows and students of Harvard College, settled ministers and gramm[a][c]r-school masters, who are hereby exempted as well from being taxed for their polls as for their estates being in their own hands and under their actual management and improvement, and other persons, if such there be, who thro' age, infirmity or extream poverty, in the judgment of the assessors, are not capable to pay towards publick charges, they may except their polls, and so much of their estates as in their prudence they shall think fit and judge meet; and all estates, both real and personal, lying within the limit[t]s and bounds of such town or district, or next unto the same, not paying elsewhere, in whose hands, tenure, occupation or possession soever the same is or shall be found, and income by trade or faculty, which any person or persons (except as before excepted) do or shall exercise in gaining by money or other estate not particularly otherwise assessed, or commissions of profit in their improvement, according to their understanding and cun[n]ing, at one pen[n]y on the pound, and to abate or multiply the same, if need be, so as to make up the sum hereby set and ordered for such town or district to pay; and, in making their assessments, to estimate houses and lands at six years' income of the yearly rents, in money, whereat the same may be reasonably set or let for in the place where they lie: *saving* all contracts between landlord and tenant, and where no such contract is, the landlord to reimburse one-half the tax set upon such houses and lands; and to estimate Indian, negro and molatto servants proportionably as other personal estate, according to their sound judgment and discretion; as also to estimate every ox of four years old and upwards, at forty shillings; every cow of three years old and upwards, at thirty shillings; every horse and mare of three years old and upward[s], at forty shillings; every swine of one year old and upward[s], at eight shillings; every goat and sheep of one year old and upwards, at three shillings; likewise requiring the assessors to make a fair list of [the] said assessment, setting forth in distinct columns, against each particular person's name, how much he or she is assessed at for polls, and how much for houses and lands, and how much for personal estate and income by trade or faculty; and the list or lists so perfected and signed by them, or the major part of them, to commit[t] to the col-

Rules for Assessing the tax.

lector[s], constable or constables of such town or district, and to return a certificate of the name or names of such collectors, constable or constables, together with the sum total to each of them respectively committed, unto himself, sometime before the last day of October then next following.

[SECT. 26.] And the treasurer, for the time being, upon the receipt of such certificate, is hereby impow[er]ed and ordered to issue forth his warrant to the collectors, constable or constables of such town or district, requiring him or them respectively to collect the whole of each respective sum assessed on each particular person, before the last day of March then next following, and of the inhabitants of the town of Boston to collect their proportion sometime in the month of January then next following, and to pay in their collection and issue the accounts of the whole at or before the last day of May then next following, which will be in the year of our Lord one thousand seven hundred and forty.

*And be it further enacted by the authority aforesaid,*

Notifications to be given of the assessment.

Persons to bring in a list.

Penalty in case of a false list.

[SECT. 27.] That the assessors of each town and district respectively, in convenient time before their making the assessment, shall give seasonable warning to the inhabitants in a town-meeting, or by posting up notifications in some place or places in such town or district, or otherwise to notify the inhabitants to give or bring in to the assessors true and perfect lists of their polls and rateable estates; and if any person or persons shall neglect or refuse so to do, or bring in a false list, it shall be lawful[ly] to and for the assessors to assess such person or persons according to their known ability in such town, in their sound judgment and discretion, their due proportion to this tax as near as they can, agreeable to the rules herein given, under the penalty of twenty shillings for each person that shall be convicted by legal[ly] proof, in the judgment of the assessors, of bringing in a false list; the said fines to be for the use of the poor of such town or district where the delinquent lives, to be lev[i]y[ed] by warrant from the assessors directed to the collector or constables, in manner as is directed for gathering town assessments, and to be paid in to the town treasurer or selectmen for the use aforesaid: *saving*, to the party a[g]gr[e]i[e]ved at the judgment of the assessors, in setting forth such fine, liberty of appeal therefrom to the court of general sessions of the peace within the county for relief, as in case of being overrated; and if any person or persons shall not bring in a list of their estate as aforesaid to the assessors, he or they so neglecting shall not be admitted to make application to the court of sessions for any abatement of the assessment laid on him.

[SECT. 28.] And if the party be not convicted of any falseness in the list by him presented, of polls, rateable estate, or income by any trade or faculty which he doth or shall exercise in gaining by money at interest or otherwise, or other estate not particularly assessed, such list shall be a rule for such person's proportion to the tax, which the assessors may not exceed.

Preamble.

*And forasmuch*, as oftentimes sundry persons, not belonging to this province, bring considerable trade and merchandize, and by reason that the tax or rate of the town where they come to trade or traffick is finished and delivered to the constable[s] or collectors, and before the next year's assessment are gon[e] out of the province, and so pay nothing towards the support of the government, tho' in the time of their residing here, they reaped considerable gain by trade, and had the protection of the government,—

*Be it further enacted by the authority aforesaid,*

Transient traders to be rated.

[SECT. 29.] That when any such person or persons shall come and reside in any town of this province, and bring any merchandize and trade



and deal therewith, the assessors of such town are hereby impow[er]ed to rate and assess all such persons according to their circumstances, pursuant to the rules and directions in this act provided, tho' the former rate may have been finished and the new one not perfected as aforesaid. And the constables or collectors are hereby enjoined to levy and collect all such sums committed unto them, and [to] pay the same into the town treasury.

*Provided, always,*

[SECT. 30.] That the general court at their session in May, one thousand seven hundred and thirty-nine, may, if they think fit, by an act then to be made, apportion the aforesaid sum of twelve thousand five hundred pounds on the several towns of this province, anything in this act notwithstanding. Proviso.

*And be it further enacted by the authority aforesaid,*

[SECT. 31.] That the inhabitants of this province shall have liberty, if they see fit, to pay the several sums for which they may respectively be assessed at, as their proportion of the aforesaid sum of twelve thousand five hundred pounds, in bills of public credit of the new tenor, according to their several denominations, or in [the] bills of the old tenor in proportion of three to one, or in coined silver at six shillings and eightpence per ounce, troy weight, or in gold coin at the rate of four pounds eighteen shillings per ounce, or in hemp or flax, the hemp to be received by the treasurer at fourpence per pound, and flax at sixpence per pound; which hemp and flax, as soon as conveniently, may be disposed of by the treasurer to the best advantage, for so much as it will fetch in bills of credit of either tenor, or for silver or gold; and if any loss shall happen by the sale of the aforesaid species, or by any unforeseen accident, such deficiency shall be made good by a tax of the year next following, so as fully and effectually to call in the whole sum of twelve thousand five hundred pounds in said bills hereby ordered to be emitted; and if there be a surplusage, it shall remain a stock in the treasury. Tax may be paid in other species besides the bills emitted.

*And be it further enacted by the authority aforesaid,*

[SECT. 32.] That if it shall happen that any of the bills of the new tenor and form by this act to be emitted, shall be outstanding and not paid in for taxes, &c., unto the constables or collectors of the publick taxes, or to the treasurer or other receivers of publick duties, that whosoever shall have any such bills in his hands or possession, may at any time after the last day of December, which will be in the year of our Lord one thousand seven hundred and forty-two, bring them to the treasurer, and receive in exchange for every six shillings and eightpence of said bills, one ounce of silver or the like value in gold, and proportionably for a greater or less[er] sum; and the treasurer is hereby ordered to exchange them accordingly. Bills outstanding in Dec. 1742, to be paid off in silver and gold.

*And forasmuch,* as this government have of late, do now, and may hereafter, emit province bills of a new tenor, which they have ordered to pass in publick payments with province bills of the old tenor, in proportion as one pound for three, which may prove very inconvenient, unless the bills of those several tenors may pass in the same proportion[s] in discharge of private debts contracted between man and man,— Preamble.

*Be it therefore enacted by the authority aforesaid,*

[SECT. 33.] That all public and private debts which may be paid and discharged in and by province bills of the old tenor, may and shall be discharged by the province bills of the new tenor in proportion as one for three; that is to say, that a debt of twenty shillings, dischargeable in bills of the old tenor, may and shall be discharged by six shillings and eightpence in bills of the new tenor, or by one ounce of Rates of the old and new bills in private payments.

silver; and so, *vice versa*, that a debt contracted for the payment of six shillings and eightpence in bills of the new tenor may and shall be discharged by twenty shillings in bills of the old tenor, or by one ounce of silver; and so, *pro rato*, for a greater or lesser sum. [*Passed July 2.*]

## CHAPTER 6.

AN ACT FURTHER TO EXEMPT PERSONS COMMONLY CALLED QUAKERS, WITHIN THIS PROVINCE, FROM BEING TAXED FOR AND TOWARDS THE SUPPORT OF MINISTERS.

Preamble.

1731-32, chap. 11,  
and note.

WHEREAS some inhabitants of this province called Quakers, refuse to pay any part or proportion of such rates or taxes as are from time to time assessed for the support of the ministry in the several towns whereto they belong, alledging a scruple of conscience for such their refusal, and complaining of the difficulties in complying with the acts made for their rel[e]i[e]f; and thereupon frequent applications have been made to this court for redress,—

*Be it therefore enacted by His Excellency the Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

Quakers ex-  
empted from  
taxes for minis-  
ters and meet-  
ing-houses.

[SECT. 1.] That from and after the publication of this act, none of the persons commonly called Quakers, who alledge a scruple of conscience as the reason of their refusal to pay any part or proportion of such taxes as are from time to time assessed for the support of the minister or ministers of the churches, established by the laws of this province, in the town or place where they dwell, shall have their poll, or estate real or personal, in their own hands, and under their actual improvement, taxed towards the support of such minister or ministers, nor for the building of any meeting-house or place of publick worship.

And to the intent that it may be the better known what persons are of that perswasion, and who are exempted by this act,—

*Be it enacted by the authority aforesaid,*

Method for  
knowing who  
are Quakers.

[SECT. 2.] That the assessors of each town where any of the said Quakers live, or their lands in their own actual improvement ly, shall annually, sometime before the twentieth day of July, take a list of all such persons and forthwith transmit[t] the same to the clerk of the town; which list shall be ent[e]r[e]d on the record of such town by the clerk, who is hereby impowered and directed to enter the same accordingly, that so any of the people called Quakers, or any members of their society thereto appointed, may view such list and have a copy thereof, if they desire the same, paying only sixpence therefor; and if any person of that denomination shall be omitted in such list by the assessors taken, and the assessors shall be certified thereof in writing under the hands of two principal members of that persuasion, appointed thereto by the respective societies sometime before the tenth day of August then next after, that such persons not inserted in their list they bel[e]i[e]ve to be conscientiously of their persuasion, and that they do frequently and usually attend their meetings for the worship of God, on the Lord's Day, the assessors shall also exempt the said persons so omitted, and their estates in their actual management and improvement, as well as all others inserted in the said lists, from all rates and taxes by the said assessors to be made for the support of the minister or ministers in their towns, or for erecting places of publick worship.

*And be it further enacted by the authority aforesaid,*

[SECT. 3.] That the assessors in each town or precinct, respectively, be and hereby are enabled and empowered to assess and levy, in proportion to the province tax, the whole ministerial rate as by contract or by order of the general sessions of the peace in the respective counties, according to law, or the sums that shall be granted by the inhabitants of any town or precinct, for the erecting or repairing a publick place for the worship of God, at a meeting of the said inhabitants, qualified to vote in town affairs, regularly convened, on the persons and estates of all others living and lying within such town or precinct, not expressed in the list given to the town clerk or added thereto as aforesaid.

Tax taken off from the Quakers to be assessed on the other inhabitants.

*And be it further enacted by the authority aforesaid,*

[SECT. 4.] That all persons exempted by this act as aforesaid, from paying their part of any town, parish or precinct taxes assessed for and towards any settlement or support of the ministers of the churches established by the laws of this province, or towards the building or repairing of any meeting-house for the publick worship of God, where they are inhabitants, shall be and hereby are debarred from voting in any such affairs.

Persons exempt from taxes by this act not to vote in ministerial affairs.

[SECT. 5.] This act to continue and be in force for the space of ten years, and from thence to the end of the then next session of the general assembly, and no longer. [*Passed June 28; published June 30.*]

Limitation.

## CHAPTER 7.

### AN ACT FOR ALLOWING NECESSARY SUPPLIES TO THE EASTERN AND WESTERN INDIANS, AND FOR REGULATING TRADE WITH THEM.

WHEREAS the Indians in the eastern and western parts of this province have, many years since, recognized their subjection and obedience to the crown of Great Britain, and have their dependance on this government for supplies of cloathing and other necessaries; to the intent therefore, that they may be furnished with the same at such easy rates and prices as may oblige them to a firm adherence to his majesty's interest, several truck-houses having been erected and set up for that purpose.—

Preamble.  
1732-33, chap. 17

*Be it enacted by His Excellency the Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

[SECT. 1.] That provisions, cloathing and other supplies suitable for a trade with the said Indians, be procured with the several sums that have been, now are, or shall be hereafter granted for that purpose by the general court, and the produce thereof applied, from time to time, for the supplying the said Indians as aforesaid, by such person or persons as shall annually be chosen by this court, who shall proceed according to the instructions they shall receive from this court, or from the governour and council on any emergency in the recess of this court: *provided*, such instructions and directions be consistent with the instructions they receive from the general court; which person or persons so chosen shall annually lay before this court fair accounts of his or their proceedings herein; and all supplies of cloathing, provisions and other things shall be lodged at such places to the eastward and elsewhere, as the general court have heretofore ordered, or as they shall from time to time order and appoint.

Clothing, provisions, &c., to be prepared for the trade with the Indians.

Accounts of the trade to be annually laid before the general court.

Truck-masters  
to be chosen.

*And be it further enacted by the authority aforesaid,*

[SECT. 2.] That a suitable person be appointed by this court for each of the places where any of the goods aforesaid are lodged, as a truck-master, to have the care and management of the trade with the Indians, to be paid for his service such sum or sums from year to year as this court shall order; which truck-masters shall be under oath, and shall give sufficient security for the faithful[1] discharge of that trust, and attending such instructions as shall be from time to time given them by this court, and, in the recess of the court, by the governour and council as aforesaid; and the said truck-masters shall keep fair accompts of their trade and dealing with the said Indians, and shall return the same, together with the produce thereof, from time to time, to the person or persons who shall be appointed to supply them with the goods as aforesaid; the said accompts to be laid before the court. And neither the truck-master, nor any officer or soldier residing at any of the truck-houses, either on account of themselves, or any other person or persons, shall be suffered to trade with, or barter for any goods, wares or merchandize, or other thing whatsoever, with any Indian or Indians, on pain that every truck-master, officer or soldier so offending, shall, on conviction thereof, forfeit and pay the sum of fifty pounds for each offence, to be recovered by bill, plaint or information in any of his majesty's courts of record within this province; and in case of [the] death of any such truck-master, or any mismanagement in that trust, during the recess of the court, another shall be put in his place by the governour, with the advice of the council, until the next session of the general court.

Goods to be sold  
according to  
invoice.

*And be it further enacted,*

[SECT. 3.] That the said truck-masters shall sell the goods to the Indians at the price set[t] in the invoices sent them from time to time, without any advance thereon, and shall allow the Indians for their furs and other goods, as the market[t] shall be at Boston, according to the latest advices that they shall receive from the person or persons that shall supply them for the same commodities of equal goodness; and that the truck-masters do supply the Indians with rum in moderate quantities, as they shall in prudence judge convenient and necessary, at the rate as charged in the invoices from time to time.

[SECT. 4.] And in case any of the said truck-masters shall presume to sell any goods at higher rates than they are set at by the government, or shall charge to the government more for any furs or other goods than they allowed the Indians for the same, such truck-master, being convicted thereof, shall forfeit and pay the sum of one hundred pounds; and the more effectually to prevent such fraud, each and every truck-master, when and so often as he shall settle and adjust his acco[mp][un]t with the officer appointed by this court for supplying the Indians, shall make oath before the said officer, who is hereby authorized and appointed to administer the same, in manner following:—

You, A. B., do swear, that the goods committed to you for the supply of the Indians have been sold at no higher rates than they were set at by the government, and that you have charged for the furs and other goods you have made returns of, no more than you paid the Indians for the same. So help you God.

*And be it further enacted by the authority aforesaid,*

Private persons  
not to sell  
strong drink to  
the Indians.

[SECT. 5.] That from and after the publication of this act, no person or persons whatsoever, other than the truck-masters that shall be appointed in manner as is before provided, shall or may presume by themselves, or any other for them, directly or indirectly, to sell, give, truck, barter or exchange to any of the aforesaid Indians, any strong beer, ale, cyder, perry, wine, rum, brandy or any other strong liquor, by



what name or names soever called or known, on penalty of forfeiting the sum of fifty pounds for each offence; and in case any rum or strong liquors shall be sold or traded with on board any ship or vessel[1], or transported into those parts for sale, all such rum or strong liquors shall be also forfeited; and the offences aforesaid shall be tried at any of his majesty's courts of record within this province; and the justices of the said courts are accordingly impowered and directed to hear and determine thereon, the pla[*i*]ntiff or complainant filing his information at least fourteen days before the sitting of the court, in the clerk's office of said court before whom the matter is to be heard and tried; and the pla[*i*]ntiff shall also summon or notif[y][ie] the defendant thereof according to law; one moiety of all fines and forfeitures arising by virtue of this act, to be laid out in procuring supplies for carrying on the trade with the Indians, the other moiety to him or them that shall inform [or] [and] sue for the same in any of the courts aforesaid.

Penalty.

[SECT. 6.] This act to continue and be in force till the end of the session of the general assembly in May, one thousand seven hundred and forty-two, and no longer. [Passed July 5.]

Limitation.

## CHAPTER 8.

AN ACT IN FURTHER ADDITION TO AN ACT MADE IN THE FIRST YEAR OF HIS PRESENT MAJESTY'S REIGN, ENTITLED, "AN ACT TO PREVENT COPARCENERS, JOINT TENANTS AND TENANTS IN COMMON, FROM COMMITTING STRIP AND WASTE UPON LANDS BY THEM HELD IN COMMON AND UNDIVIDED."

WHEREAS in some towns in this province there are lands lying in common and undivided, belonging either to some town, or to the proprietors of such common or undivided land, which [land] can't without much inconvenience be divided; yet such land would be profitable to the town or proprietors for raising wood and timber, in case it were under the government of the owners, and particular persons could be restrained from making wast[e] by cutting poles and young wood, &c.; therefore for rendring such lands more useful to the owners for the future,—

Preamble.

1727, chap. 13.

*Be it enacted by His Excellency the Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

[SECT. 1.] That from and after the publication of this act, no person or persons whatsoever, belonging to such town, or having a right in such common or undivided lands, shall or may without leave from the owners of such land, as is hereafter directed, either by himself, son, servant or any other person, cut, fell, destroy or carry away any trees, timber, poles, wood or underwood whatsoever, standing, lying or growing on such common or undivided lands as aforesaid, under the [like] penalties and forfeitures as are provided by an act made in the twelfth year of King George the First, chap. 15,\* entitled, "An act in addition to, and for rendering more effectual an act made in the tenth year of the reign of King William the Third, entitled, 'An act for preventing of trespasses.'"

Tenants in common, &amp;c., forbidden to make strip and waste.

1726-27, chap. 3.

1698, chap. 7.

*And be it further enacted by the authority aforesaid,*

[SECT. 2.] That if any person or persons, from and after the publication of this act, shall presume to dig up or carry off from any such common

Penalty for digging stones, &amp;c.,



without leave of the proprietors. [*and*] [*or*] undivided lands as aforesaid, any stone or oar without leave as aforesaid, he or they shall forfeit and pay treble the value thereof:

Proviso.

*provided, nevertheless*, that it shall be in the power of the town who are the owners of such common or undivided lands, by a major vote, in a town meeting for that purpose appointed, to allow of and give liberty to any of the inhabitants of such town, or of the proprietors of any such lands lying in common or undivided, in a meeting of the proprietors for that purpose, to allow of and give leave to any of the proprietors of such lands, respectively, to cut and carry off any trees, poles, wood or underwood, stone or oar from such land, under such limitations and restrictions as such town or proprietors shall agree upon: *provided*, that in such proprietors' meeting[s] all the votes shall be computed by the interest where each propr[ie]t[or]'s interest is stated, and the liberty of cutting and other improvements of the proprietors to be in proportion to their several and respective interests.

Proviso.

[SECT. 3.] And all the votes of allowance or liberty shall be fairly recorded in the town or proprietors' books, respectively, that all persons may know the liberty thereby given them.

[SECT. 4.] The penalties and forfeitures arising by virtue of this act to be recovered before any of his majesty's justices of the peace, where the penalty exceeds not forty shillings, or in any of his majesty's courts of record within the county where the offence is committed, as the value of the damage may be, by action, bill, plaint or information, to be brought and prosecuted by any one or more of the persons that the town or proprietors interested shall chuse to manage the same, or by any inhabitant of such town, or by any proprietor of such common or undivided lands, in case the town or proprietors shall neglect to chuse such prosecutor, or, being chosen, he shall neglect to prosecute as aforesaid; the whole of such penalties and forfeitures to be to the use and benefit of such town who are owners of such lands, or to the proprietors interested as aforesaid.

Manner of prosecution.

*And be it further enacted by the authority aforesaid,*

[SECT. 5.] That in all offences against this act, the offender or offenders shall be liable to a conviction in the same manner as is already provided in the aforesaid act, made in the twelfth year of [*the reign of*] King George the First, c[h]ap. 15.

Limitation.

[SECT. 6.] This act to continue and be in force for the space of ten years from the publication thereof, and from thence to the end of the then next session of the general court, and no longer. [*Passed July 2; published July 7, 1737.*]

## CHAPTER 9.

AN ACT IN FURTHER ADDITION TO AN ACT, ENTITLED, "AN ACT FOR THE REL[E]I[E]F OF IDIOTS AND DISTRACTED PERSONS."

Preamble.

1693-4, chap. 18.  
1731-2, chap. 14.

WHEREAS the provision made in and by an act made and pass[e]d in the sixth year of the reign of King William and Queen Mary, entitled, "An act for the rel[e]i[e]f of idiots and distracted persons," only respects such idiots, persons *non compos* or distracted, whose near relations refuse to undertake the care of providing for them, and whose circumstances may finally require the sale of their land[s], or their persons to be put out to labour, in order to prevent any charge to the town where such distracted person or idiot is an inhabitant, and no method prescribed in the said act how it may be enquired of and known whether the person said to be a lunatick, idiot or *non compos*

be so or not ; and for the securing the estate of such idiot or distracted person from imbezzlement,—

*Be it therefore enacted by His Excellency the Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

[SECT. 1.] That it shall be in the power of the judges for the probate of wills, and for granting letters of administration for and within the respective counties in this province, from time to time, upon request made by the relations or friends of any idiot, *non compos*, lunatick or distracted person, or the overseers of the poor in such town where the said idiot or distracted person lives or is an inhabitant, to direct the selectmen of such town to make inquisition thereinto ; and if the person said to be an idiot or distracted shall be so determined by the judge of probate of the county, and selectmen of the town, or major part of them, wherein such idiot or distracted person lives, then and in that case such judge of probate shall assign and appoint some suitable person or persons to be guardian or guardians of such idiot or *non compos*, directing and empowering such guardian or guardians to take care as well of the person as estate, both real and personal, of the said idiot or distracted person, and to make a true and perfect inventory of the said estate, to be returned to and filed in the register's office of the courts of probate in the respective counties within this province.

Judges of probate to inquire of idiots or distracted persons.

Judges of probate to appoint guardians of idiots or distracted persons.

*And be it further enacted by the authority aforesaid,*

[SECT. 2.] That the judge[s] for [the] probate of wills and granting administrations within the respective counties, be and hereby are fully authorized and empowered to call before them, and to require and administer an oath unto any person or persons probably suspected of making any concealment, imbezzlement or conveying away any of the money, goods or chattels of any such idiot, *non compos*, lunatick or distracted person, as well upon the complaint of any heir, creditor or other person having lawfull right or claim to or in such estate, as of the said guardian or guardians ; and in case any such suspected person was betrusted by the said idiot, *non compos*, lunatick or distracted person, or was otherwise conversant with, or near unto, him in the time of his lunacy or distraction, or is in possession of the estate, or any part thereof, whereby to strengthen and make the suspicion more violent, and shall refuse to clear [and] [or] acquit him- or herself upon oath, it shall and may be lawful [1] for the judge[s] of probate, and they are accordingly empowered and directed to commit[t] such person so refusing to swear, unto the goal of the county, there to remain until [?] he or she shall comply to discharge him- or herself upon oath as aforesaid, or be released by consent of the guardian or guardians, heir, creditor or other person having lawful [1] right or claim to or in such estate as aforesaid.

—to put persons upon oath suspected of embezzlement of the estates of idiots or distracted persons.

Persons refusing to swear to be committed to prison.

*And be it further enacted by the authority aforesaid,*

[SECT. 3.] That the guardian or guardians, appointed as aforesaid, shall improve frugally and without waste and destruction, the estate of the idiot, *non compos*, lunatick or distracted person, and apply the annual profit[s] and incomes thereof for the comfortable maintenance and support of the said idiot, lunatick, *non compos* or distracted person, and also of his household or family, if any such he have, and that the said guardian and guardians be and hereby are empowered to settle accompts, receive, and, if need be, sue for and recover all such just debts as shall be due to the said idiots, persons distracted or *non compos*, from any person or persons whomsoever, and to manage, improve, divide or take care of the real estate of such idiot, person distracted or *non compos*, in as full and ample a manner as the said persons could

Power of guardians to manage the estates of idiots or distracted persons.

or might do were they restored to their right mind; and also shall be subject to the payment of all such just debts owing by such persons which were contracted before their distraction, out of the personal estate of such idiot, persons *non compos* or distracted, or, in case that be not sufficient, then out of the real estate, being first impowered to make sale thereof or of such part thereof as is sufficient for that end, by the justices of the superiour court of judicature, upon application to them made therefor; and in case the said distracted persons shall come or be restored to their right mind, the residue of his or her estate, both real and personal, shall be delivered or returned to them or to their respective heirs, executors or administrators, as the law directs, the guardian or guardians having first such a reasonable allowance out of the same, for their charges and trouble, as the judge of probate shall order.

Guardians to be allowed for their trouble and charge.

*And be it further enacted by the authority aforesaid,*

Guardians to give bond,

[SECT. 4.] That the guardian or guardians appointed as aforesaid, shall give bond to the judge of probate for the time being, in a reasonable sum, with sufficient sureties, for the faithful[1] discharge of the trust in them reposed, more especially for the rendering a just and true account of their said guardianship, when and so often as they shall be thereunto required: *saving, always*, the right of appeal to the governor and council, as is practised in other cases from the sentences or decrees of the judges of probate.

—saving the right of appeal.

Limitation.

[SECT. 5.] This act to continue and be in force for the space of ten years from the publication thereof, and from thence to the end of the session of the general court in May next following, and no longer. [*Passed July 2; published July 7.*]

## CHAPTER 10.

AN ACT TO PREVENT MISCH[E]I[E]F BEING DONE BY UNRULY DOGS AND THE KEEPING OF ANY DOGS, ON THE ISLANDS OF MARTHA'S VINEYARD AND NANTUCKET[T].

Preamble.

WHEREAS much damage has been done by dogs in worrying, wounding and killing of neat cattle, sheep and lambs within this province, to the hurt and impoverishing many persons, the owners of such creatures; for the preventing whereof,—

*Be it enacted by His Excellency the Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

Dogs liable to be killed when out of the care of the owner.

[SECT. 1.] That from and after the publication of this act, it shall and may be lawful[1] to and for any person or persons within this province to kill and destroy any dog or bitch whatsoever, that shall be found (out of the immediate care and inspection of their owner or keeper) within or crossing over any common land, field or inclosure, excepting the land of the owner of such dog or bitch, in the day-time, or that shall be found between sunset and sunrise, anywhere out of the care and inspection of their owner[s] as aforesaid; and if the owner of such dog or bitch, being known and informed within eight hours next after, of his or her dog or bitch's being seen without the care and inspection as aforesaid, and oath made thereof before some one justice of the peace or town clerk, who is hereby impowered to administer and certify the same, shall refuse to kill or cause to be killed his dog or bitch forthwith, shall forfeit and pay the sum of forty shillings to the person who shall inform, and sue for the

Penalty to the owners for neglect of their dogs, &c.

same by bill, plaint or information, before any one of his majesty's justices of the peace in the county where the owner of such dog or bitch dwells.

*And be it further enacted by the authority aforesaid,*

[SECT. 2.] That the owner of any dog or bitch that shall do any damage or misch[e]i[c]f upon any calves or neet cattle, sheep or lambs, shall be liable to pay treble damages to the person or persons injured, to be heard and tryed before any of his majesty's justices of the peace in the county where the owner of such misch[e]i[c]vous dog or bitch dwells, if the damage exceeds not forty shillings; and where the damage exceeds that sum, before any of his majesty's courts of record in such county where the owner dwells as aforesaid, upon bill, plaint, writ or information brought as aforesaid.

Owners of dogs to pay treble damages for mischief done by them.

*And whereas,* there are considerable number of Indians living in the counties of Nantucket and Dukes County who keep unruly and misch[e]i[c]vous dogs, as well as the English inhabitants dwelling there, whereby great spoil and damage have been done by such dogs' worrying, wounding and killing of the neet cattle, calves, sheep and lambs,—

Preamble.

*Be it therefore enacted by the authority aforesaid,*

[SECT. 3.] That it shall and may be lawful [1] for any person or persons within the counties of Nantucket[t] and Dukes County to kill any dog or bitch, whatsoever, that shall at any time after publication of this act be found in either of said counties.

Dogs wholly disallowed in Dukes County and Nantucket.

*And be it further enacted,*

[SECT. 4.] That no action shall l[i]v[e], be heard or tryed at any court within this province, against such person that shall or may kill or destroy any dog or bitch found as aforesaid, but shall be utterly barred by vertue of this act.

[SECT. 5.] This act to continue and be in force for the term of five years from the publication thereof, and from thence to the end of the next session of the general court and no longer. [*Passed July 2; published July 7.*]

Limitation.

## CHAPTER 11.

AN ACT FOR MAKING TWO THOUSAND SIX HUNDRED TWENTY-FIVE POUNDS IN SMALL BILLS OF SEVERAL DENOMINATIONS, TO BE EXCHANGED FOR LARGER BILLS BY THE PROVINCE TREASURER.

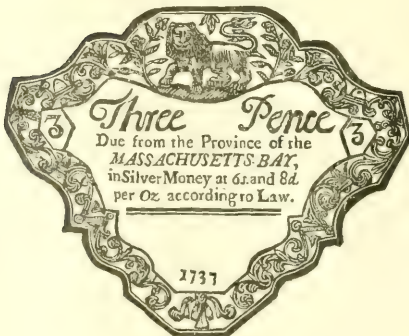
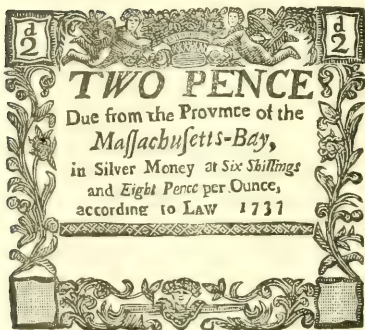
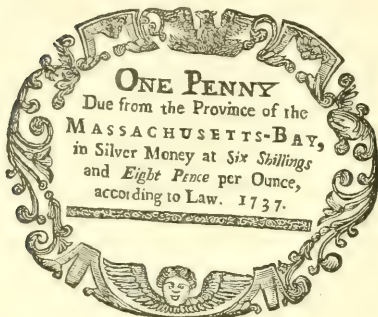
WHEREAS great inconvenienc[i]es and difficulties have arisen to the affairs and trade of this province for want of small money for change; for remedy whereof,—

Preamble.

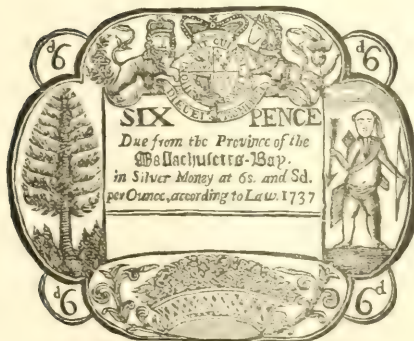
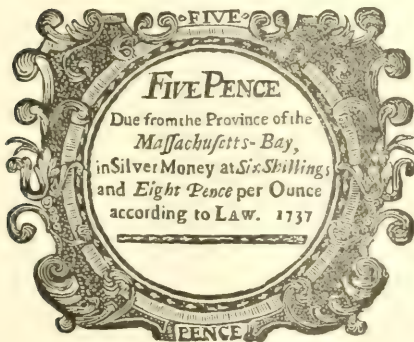
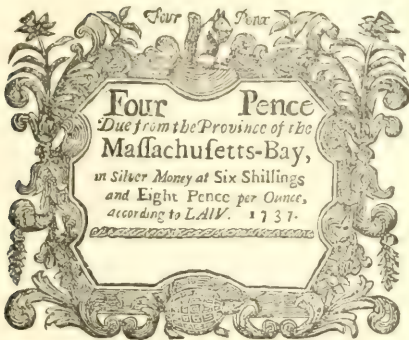
*Be it enacted by His Excellency the Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

[SECT. 1.] That the committee already appointed by this court for the making of bills of credit of the new tenor, be and hereby are directed to take effectual care, that there be forthwith made and imprinted on good paper, to the amount of two thousand six hundred and twenty-five pounds, in pennys, twopences, threepences, fourpences, fivepences and sixpences of each denomination, thirty thousand bills of the following figures and inscriptions:—

Small bills to be exchanged and to pass as the new bills.







which bills, when made, said committee are to deliver to the treasurer of the province, by him to be exchanged for other bills of this province to such persons as come for the same, but not less than twenty shillings at one time; and that the said bills shall pass in all payments as other the bills of this province of the new tenour do according to law, and that the bills received by the treasurer in lieu of the aforesaid small bills, shall be burnt to ashes by a committee of this court appointed for that purpose.

*And be it further enacted by the authority aforesaid,*

Penalty for  
forging them.

[SECT. 2.] That whosoever shall presume to forge, counterfeit or utter any bill or bills, knowing the same to be false and counterfeit, of the figures or inscriptions of those mentioned in this act, or anyways in imitation thereof, or that shall counsel[1], advise, procure, or anyways assist, in forging, counterfeiting, imprinting or stamping of[f] any such false bills, every person or persons so offending, being thereof convicted, shall be punished as in case of forgery. [*Passed July 2.*]

## CHAPTER 12.

### AN ACT TO PREVENT DECEIT IN THE GAGE OF CASKS.

Preamble.

1730-31, chap. 5.

WHEREAS his majesty's good subjects within this province are greatly damaged in the make and measure of their cask, and particularly those of rum and mol[a][o]sses, inasmuch as the hogsheds and other cask, which ought to answer the gage by the rod, have been proved, and upon trial in their drawing off, there hath been wanting seven or eight gallons, and sometimes more, in a hogshedd; which persons are obliged to pay for more than they really receive; for remedy whereof,—

*Be it enacted by His Excellency the Governour, Council and Representatives in General Court assembled, and by the authority of the same.*

Rum and molasses to be gauged mathematically.

[SECT. 1.] That all rum and molasses in cask[s] of all sorts, from a barrel and upwards, that shall be exposed to sale, be mathematically gaged by Gunter scale, and the quantity said cask can contain, being full, to be set[t] and marked on one head by the gager with a marking-iron; and the said gager shall demand and receive of the owner or owners of such rum or mol[a][o]sses sixpence for every cask by him gaged as aforesaid, and no more.

*And be it further enacted by the authority aforesaid,*

General sessions to choose gaugers.

[SECT. 2.] That the justices of the peace, at their first general sessions in each respective county of this province, from the publication of this act, and afterwards yearly, shall in every town where there shall be occasion, chuse and appoint a fit person or persons to be a gager or gagers, who shall be sworn to the due execution of their office by one of his majesty's justices of the peace within the same county, in the words following; vizt.,—

Gauger's oath.

You, A. B., being appointed a gager, according to law, do swear that you will, from time to time, diligently and faithfully discharge and execute the office of a gager within the limits whereto you are appointed, for the ensuing year and until[1] another be chosen and sworn in your place; and that by and in all the particulars mentioned in the law whereto your office hath relation, [*and*] you will do therein impartially without fear or favour. So help you God.

Penalty for selling without being gauged, &c.

[SECT. 3.] And every person or persons who shall presume to sell any rum or molasses without being gaged as this act directs, and having the gager's mark upon it, shall forfeit and pay for every cask by him

or them sold contrary to the true intent and meaning of this act, the sum of five pounds; one half to the poor of the town where the offence is committed, and the other half to the informer, who shall inform and sue for the same before any one of his majesty's justices of the peace, or in any of his majesty's courts of record within this province.

[SECT. 4.] This act to continue and be in force for the space of ten Limitation. years from the publication thereof, and from thence to the end of the session of the gen[era]l[1] court then next following, and no longer. [*Passed July 2; published July 7.*]

## CHAPTER 13.

### AN ACT FOR GRANTING UNTO HIS MAJESTY SEVERAL RATES AND DUTIES OF IMPOST AND TUNAGE OF SHIPPING.

WE, his majesty's most loyal and dutifull subjects, the representatives of his majesty's province of the Massachusetts Bay in New England, considering the necessity of calling in the sum of sixty-five thousand and fifty-four pounds granted to his late majesty, King George, at their sessions in the year one thousand seven hundred and twenty-seven; to his present majesty, at their several sessions in the years one thousand seven hundred and thirty-three, one thousand seven hundred and thirty-five and one thousand seven hundred and thirty-six, to be levied and collected in this present year, have chearfully and unanimously given and granted, and do hereby give and grant, unto his most excellent majesty, to the ends, uses and intents aforesaid, and for no other use, the several duties of impost upon wines, liquors, goods, wares and merchandize that shall be imported into this province, and tunage of shipping, hereafter mentioned, for calling in the sum of sixty-five thousand and fifty-four pounds; and pray that it may be enacted,—

*And be it accordingly enacted by His Excellency the Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

[SECT. 1.] That from and after the twenty-sixth day of June, instant, there shall be paid by the importer of all wines, liquors, goods, wares and merchandizes that shall be imported into this province from the place of their growth, produce or manufacture (salt, cotton-wool, provisions and every other thing of the growth and produce of New England excepted), the several rates or duties of impost following; viz<sup>t</sup>,—

For every pipe of wine of the Western Islands, ten shillings in silver coin, at six shillings and eightpence the ounce, Troy weight, or gold coin, at the rate of four pounds eighteen shillings the ounce.

For every pipe of Canary, fifteen shillings in silver coin, at six shillings and eightpence the ounce, Troy weight, or gold coin, at the rate of four pounds eighteen shillings the ounce.

For every pipe of Madera, twelve shillings in silver coin, at six shillings and eightpence the ounce, Troy weight, or gold coin, at the rate of four pounds eighteen shillings the ounce.

For every pipe of other sorts, not mentioned, twelve shillings in silver coin, at six shillings and eightpence the ounce, Troy weight, or gold coin, at the rate of four pounds eighteen shillings the ounce.

For every hogshead of rum containing one hundred gallons, ten shillings in silver coin, at six shillings and eightpence the ounce, Troy weight, or gold coin, at the rate of four pounds eighteen shillings the ounce.

For every hogshead of sugar, one shilling in silver coin, at six shillings and eightpence the ounce, Troy weight, or gold coin, at the rate of four pounds eighteen shillings the ounce.

For every hogshead of molasses, sixpence in silver coin, at six shillings and eightpence the ounce, Troy weight, or gold coin, at the rate of four pounds eighteen shillings the ounce.

For every hogshead of tobacco, ten shillings in silver coin, at six shillings and eightpence the ounce, Troy weight, or gold coin, at the rate of four pounds eighteen shillings the ounce.

For every tun of logwood, one shilling in silver coin, at six shillings and eightpence the ounce, Troy weight, or gold coin, at the rate of four pounds eighteen shillings the ounce.

And so, proportionably, for greater or lesser quantities.

And all other commodities, goods or merchandise not mentioned or excepted, threepence in silver or gold, as aforesaid, for every twenty shillings' value: all goods imported from Great Britain excepted.

*And whereas* many strangers and foreigners have, of late years, reaped great gain and profit by bringing into this province considerable quantities of foreign molasses and rum on their own accompts, whereby much of the trade that was formerly carried on with considerable profit by the inhabitants of this province, altho with the paying very high charges for permission, &c., in their islands, is, in a great measure, if not wholly, prevented; wherefore, in order to the subjecting such foreigners' goods to a higher duty,—

*Be it enacted by the authority aforesaid,*

[SECT. 2.] That all such molasses and rum that belongs to foreigners shall pay the following duty; vizt.,—

For every hogshead of molasses, one shilling and sixpence in silver coin, at six shillings and eightpence the ounce, Troy weight, or gold coin, at the rate of four pounds eighteen shillings the ounce.

For every hogshead of rum, forty shillings in silver coin, at six shillings and eightpence the ounce, Troy weight, or gold coin, at the rate of four pounds eighteen shillings the ounce.

And, for preventing the colouring of such foreigners' goods under the names of any merchants or others inhabiting this province,—

*Be it enacted by the authority aforesaid,*

[SECT. 3.] That when any such goods are imported into this province, that may reasonably be supposed to come from any of the said foreign plantations, and are said to be consigned to some of the inhabitants of this province, or British subjects, such persons to whom the same is consigned shall make oath before the commissioner of impost, in the words following; vizt.,—

You, A. B., do swear that the goods imported in the ship or vessel, and consigned you, did actually and truly come upon the sole proper account and risque, and are, *bona fide*, the goods and estate of yourself, or some other of his majesty's British subjects; and that no foreigner, directly or indirectly, is in any ways interested or concerned in the same, or is ever to have any share or part in the same, that you know of; nor is this consignment made to you under any colour or pretext to prevent the paying the duties of the same. So help you God.

[SECT. 4.] And, for any of the above wines, liquors, goods, wares, merchandizes, &c., that shall be imported into this province, &c., from any other port than the places of their growth and produce, there shall be paid by the importer double the value of impost appointed by this act to be received for every specie abovementioned, unless they do, *bona fide*, belong to the inhabitants of this province, and came upon their risque from the port of their growth and produce.

*And be it further enacted by the authority aforesaid,*

[SECT. 5.] That the aforesaid impost, rates and duties shall be paid by the importer of any wines, liquors, goods or merchandize, unto the commissioner to be appointed as is hereinafter to be directed, for entering and receiving the same, at or before the landing of any wines, liquors, good or merchandizes: *only* the commissioner or receiver is hereby allowed to give credit to such person or persons where his or their duty of impost, in one ship or vessel, doth exceed the sum of ten pounds; and in case where the commissioner or receiver shall give credit, he shall settle and ballance his accompts with every person, so that the same accompts may be ready to be presented to this court in May next. And all entries, where the impost or duty to be paid doth not exceed four shillings, shall be made without charge to the importer; and not more than sixpence to be paid for any other single entry, to what value soever.

*And be it further enacted by the authority aforesaid,*

[SECT. 6.] That all masters of ships or other vessels, coming into any harbour or port within this province, from beyond sea or from any other province or colony, before bulk be broken, and within twenty-four hours after his arrival at such harbour or port, shall make a report to the commissioner or receiver of the impost, to be appointed as is herein-after mentioned, of the contents of the lading of such ship or vessel, without any charge or fee to be demanded or paid for the same; which report said master shall give in to the commissioner or receiver, under his hand, and shall therein set down and express the quantities and species of the wines, liquors, goods and merchandizes laden on board such ship or vessel, with the marks and numbers thereof, and to whom the same is consigned; and also make oath that the said report or manifest of the contents of his lading, so to be by him given in under his hand, as aforesaid, contains a just and true accompt, to the best of his knowledge, of the whole lading taken on board and imported in the same vessel from the port or ports such vessel came from, and that he hath not broken bulk, nor delivered any of the wines, rum or other distilled liquours or merchandizes, laden on said ship or vessel, directly or indirectly, and if he shall know of any more wines, liquors, goods or merchandize to be imported therein, before the landing thereof he will cause it to be added to his manifest; which manifest shall be agreeable to a printed form made for that purpose, which is to be filled up by the said commissioner or receiver, according to each particular person's entry; which oath the commissioner or receiver is hereby empowered to administer: after which such master may unload, and not before, on pain of one hundred pounds to be forfeited and paid by each master that shall neglect his duty on this behalf.

*And be it further enacted by the authority aforesaid,*

[SECT. 7.] That all merchants, factors and other persons, importers, being owners of or having any of the wines, liquors, goods or merchandize consigned to them, that by this act are liable to pay impost or duty, shall, by themselves or order, make entry thereof in writing, under their hands, with the said commissioner or receiver, and produce unto him the original invoice of all such goods as pay *ad valorem*, and make oath thereto in manner following:—

You, A. B., do swear that the entry of the goods and merchandize by you now made, contains the true value, agreeable to the invoice herewith exhibited; and that, according to your best skill and judgment, it is not less than the real value thereof. So help you God.

—which above oath the commissioner or receiver is hereby empowered to administer; and they shall pay the duty and impost by this



act required, before such wines, liquors, goods, wares or merchandizes be landed or taken out of the vessel in which the same shall be imported, on pain of forfeiting all such wines, liquors, goods, wares or merchandizes so landed and taken out of the vessel in which the same shall be imported.

[SECT. 8.] And no wines, liquors, goods, wares or merchandizes that by this act are liable to pay impost or duty, shall be landed on any wharfe, or into any warehouse or other place, but in the daytime only and that after sunrise and before sunset, unless in the presence and with the consent of the commissioner or receiver, on pain of forfeiting all such wines, liquors, goods, wares and merchandizes, and the lighter, boat or vessel out of which the same shall be landed or put into any warehouse or other place.

[SECT. 9.] And if any person or persons shall not have and produce an invoice of the quantities of rhum or liquors to him or them consigned, then the cask wherein the same is, shall be gaged at the charge of the importer, that the quantities thereof may be known.

*And be it further enacted by the authority aforesaid,*

[SECT. 10.] That every merchant or other person importing any wines into this province, shall be allowed twelve per cent for leakage: *provided* such wines have not been filled up on board; and that every hogshead, butt or pipe of wine that hath two third parts thereof leaked out, shall be accounted for outs, and the merchant or importer to pay no duty or impost for the same. And no master of any ship or vessel shall suffer any wines to be filled up on board without giving a certificate of the quantity so filled up, under his hand, before the landing thereof, to the commissioner or receiver of impost for such port, on pain of forfeiting the sum of fifty pounds.

[SECT. 11.] And if it be made to appear that any wines imported in any ship or vessel be decayed at the time of unlading thereof, or in twenty days afterwards, oath being made before the commissioner or receiver that the same hath not been landed above that time, the duties and impost paid for such wines shall be repaid unto the importer thereof.

*And be it further enacted by the authority aforesaid,*

[SECT. 12.] That the master of any ship or vessel importing any wines, liquors, goods, wares or merchandize, shall be liable to and shall pay the impost for such and so much thereof, contained in his manifest, as shall not be duly entred, nor the duty paid for the same by the person or persons to whom such wines, liquors, goods, wares or merchandize are or shall be consigned. And it shall and may be lawful to and for the master of every ship or other vessel to secure and detain in his hands, at the owner's risque, all such wines, liquors, goods, wares or merchandize imported in any ship or vessel, until he shall receive a certificate, from the commissioner or receiver of the impost, that the duty for the same is paid, and until he be repaid his necessary charges in securing the same; or such master may deliver such wines, liquors, goods, wares or merchandize as are not entred, unto the commissioner or receiver of the impost in such port, or his order, who is hereby empowered and directed to receive and keep the same, at the owner's risque, until the impost thereof, with the charges, be paid; and then to deliver such wines, liquors, goods, wares or merchandize as such master shall direct.

*And be it further enacted by the authority aforesaid,*

[SECT. 13.] That the commissioner or receiver of the impost in each port, shall be and hereby is empowered to sue the master of any ship or vessel, for the impost or duty for so much of the lading of any wines, liquors, goods, wares or merchandizes imported therein, according to

the manifest to be by him given upon oath, as aforesaid, as shall remain not entred and the duty of impost thereof not paid. And where any goods, wares or merchandizes are such as that the value thereof is not known, whereby the impost to be recovered of the master, for the same, cannot be ascertained, the owner or person to whom such goods, wares or merchandizes are or shall be consigned, shall be summoned to appear as an evidence at the court where suit for the impost and duty thereof shall be brought, and be there required to make oath to the value of such goods, wares and merchandizes.

*And be it further enacted by the authority aforesaid,*

[SECT. 14.] That the ship or vessel, with her tackle, apparel and furniture, the master of which shall make default in anything by this act required to be performed by him, shall be liable to answer and make good the sum or sums forfeited by such master, according to this act, for any such default, as also to make good the impost or duty for any wines, liquors, goods, wares or merchandizes not entred as aforesaid; and, upon judgment recover'd against such master, the said ship or vessel, with so much of the tackle or appurtenances thereof as shall be sufficient to satisfy said judgment, may be taken in execution for the same; and the commissioner or receiver of the impost is hereby impowered to make seizure of such ship or vessel, and detain the same under seizure until judgment be given in any suit to be commenced and prosecuted for any of the said forfeitures or impost; to the intent that if judgment be rendred for the prosecutor or informer, such ship or vessel and appurtenances may be exposed to sale for satisfaction thereof, as is before provided: unless the owners, or some on their behalf, for the releasing such ship or vessel from under seizure or restraint, shall give sufficient security unto the commissioner or receiver of impost that seized the same, to respond and satisfy the sum or value of the forfeiture and dutys, with charges, that shall be recovered against the master thereof, upon suit to be brought for the same, as aforesaid; and the master occasioning such loss and damage unto his owners, through his default or neglect, shall be liable unto their action for the same.

*And be it further enacted,*

[SECT. 15.] That the naval officer within any of the ports of this province, shall not clear or give passes to any master of any ship or other vessel, outward bound, until he shall be certified, by the commissioner or receiver of the impost, that the duties and impost for the goods last imported in such ship or vessel are paid or secured to be paid.

[SECT. 16.] And the commissioner or receiver of the impost is hereby impowered to allow bills of store to the master of any ship or vessel importing any wines or liquors, of such private adventures as shall belong to the master or seamen of such ship or other vessel, at the discretion of the commissioner or receiver, not exceeding three per cent of the lading; and the duties payable by this act for such wines or liquors, in such bills of store mentioned and expressed, shall be abated.

*And be it further enacted by the authority aforesaid,*

[SECT. 17.] That all penaltys, fines and forfeitures accruing and arising by vertue of this act shall be one half to his majesty for the uses and intents for which the aforementioned dutys of impost are granted, and the other half to him or them that shall seize, inform and sue for the same, by action, bill, plaint or information, in any of his majesty's courts of record, wherein no essoign, protection or wager of law shall be allowed; the whole charge of prosecution to be taken out of the half belonging to the informer.

*And be it further enacted by the authority aforesaid,*

[SECT. 18.] That there shall be paid by the master of every ship or

other vessel, coming into any port or ports within this province to trade or traffick, whereof all the owners are not belonging to this province (except such vessels as belong to Great Britain, the provinces or colonies of Pensilvania, West and East Jersey, New York, Connecticut, New Hampshire and Rhode Island), every voyage such ship or vessel do's make, the sum of one shilling and eightpence in silver or gold, as aforesaid, per ton, or one pound of good new pistol-powder, for every ton such ship or vessel is in burthen: *saving* for that part which is owned in Great Britain, this province, or any of the aforesaid governments (which is hereby exempted); to be paid unto the commissioner or receiver of the dutys of impost, and to be employed for the ends and uses aforesaid.

[SECT. 19.] And the said commissioner is hereby impowered to appoint a meet and suitable person, to repair unto and on board any ship or vessel, to take the exact measure or tunage thereof, in case he shall suspect that the register of such ship or vessel doth not express and set forth the full burthen of the same; the charge thereof to be paid by the master or owner of such ship or vessel before she be cleared, in case she shall appear to be of greater burthen; otherwise to be paid by the commissioner out of the money received by him for impost, and shall be allowed him, accordingly, by the treasurer in his accompts. And the naval officer shall not clear any vessel until he be also certified, by the said commissioner, that the duty of tunage for the same is paid, or that it is such a vessel for which none is payable according to this act.

*And be it further enacted by the authority aforesaid,*

[SECT. 20.] That there be one fit person, and no more, nominated and appointed by this court, as a commissioner and receiver of the aforesaid dutys of impost and tunage of shipping, and for the inspection, care and management of the said office and whatsoever relates thereunto, to receive commission for the same from the governour or commander-in-chieif for the time being, with authority to substitute and appoint a deputy receiver in each port besides that wherein he resides, and to grant warrants to such deputy receivers for the said place, and to collect and receive the impost and tunage of shipping aforesaid that shall become due within such port, and to render the accompts thereof, and pay in the same, to the said commissioner and receiver: which said commissioner and receiver shall keep fair books of all entrys and dutys arising by vertue of this act; also, a particular accompt of every vessel, so that the duties of impost and tunage arising on the said vessel may appear; and the same to lye open, at all seasonable times, to the view and perusal of the treasurer and receiver-general of this province (or any other person or persons whom this court shall appoint), with whom he shall accompt for all collections and payments, and pay all such moneys as shall be in his hands, as the treasurer or receiver-general shall demand it. And the said commissioner or receiver, and his deputy or deputies, before their entring upon the execution of their office, shall be sworn to deal truly and faithfully therein, and shall attend in the said office from nine to twelve of the clock in the forenoon, and from two to five of the clock in the afternoon.

[SECT. 21.] And the said commissioner and receiver, for his labour, care and expences in the said office, shall have and receive, out of the province treasury, the sum of twenty-three pounds six shillings and eightpence, in bills of the new tenour, per annum; and his deputy or deputies to be paid for their service such sum or sums as the said commissioner and receiver, with the treasurer, shall agree, upon reasonable terms, not exceeding ten pounds, in bills of the new tenour, each; and the treasurer is hereby ordered, in passing and receiving the said

commissioner's accompts, accordingly to allow the payments of such salary or salaries, as aforesaid, to himself and his deputy or deputys.

*Provided,*

[SECT. 22.] That this act shall be and continue in force from the twenty-sixth day of this instant June, until the twenty-sixth day of June, which will be in the year of our Lord one thousand seven hundred and thirty-eight, and from thence to the end of the next session of the general court, and no longer.

*Provided, also,*

[SECT. 23.] That the former impost act shall not subsist after this takes place. [*Passed June 28.*]

## CHAPTER 14.

AN ACT FOR APPORTIONING AND ASSESSING A TAX OF FORTY-FOUR THOUSAND NINE HUNDRED AND THIRTY POUNDS ONE SHILLING AND THREEPENCE; AND ALSO FOR APPORTIONING AND ASSESSING A FURTHER TAX OF THREE THOUSAND EIGHT HUNDRED AND TWENTY-FIVE POUNDS EIGHT SHILLINGS, PAID THE REPRESENTATIVES FOR THEIR SERVICE AND ATTENDANCE IN GENERAL COURT, AND TRAVEL, ANNO ONE THOUSAND SEVEN HUNDRED AND THIRTY-SIX; AND ALSO FOR APPORTIONING AND ASSESSING A FURTHER TAX OF ONE HUNDRED AND SIXTY-FIVE POUNDS, AS A FINE, LAID ON THE SEVERAL TOWNS PARTICULARLY IN THIS ACT MENTIONED, FOR NOT SENDING A REPRESENTATIVE.

WHEREAS the great and general court or assembly of the province of the Massachuset[t]s Bay in New England, at their sessions in the years hereafter mentioned, did pass several grants of taxes on polls and estates, as funds and security for the payment and drawing in several sums in bills of credit on this province ordered to be imprinted, repeated and issued out of the publick treasury for the service of the government; that is to say, at their session held in the month of May, one thousand seven hundred and twenty-seven, the sum of twelve thousand pounds\*; at their session held by adjournment, in November, one thousand seven hundred and thirty-three, the sum of thirteen thousand five hundred and twenty-five pounds; at their session held by adjournment in February, one thousand seven hundred and thirty-three, the sum of one thousand three hundred and fifty pounds; at their session held by adjournment in February,† one thousand seven hundred and thirty-five, the sum of twenty thousand one hundred and seventy-nine pounds; at their session held in November, one thousand seven hundred and thirty-six, the sum of eighteen thousand pounds; and the further sum of three thousand eight hundred and twenty-five pounds eight[een] shillings, paid the representatives, applied to the ends and uses in said grants particularly enumerated and expressed; and furthermore have, at their present session, laid one hundred and sixty-five pounds as a fine on several towns for not sending a representative; and, by the acts and resolves of the courts that made the aforesaid grants, it was ordered that the sum of sixty-nine thousand and forty-four pounds eighteen shillings, inclusive of the sum paid the representatives, and also the fines abovementioned, shall be apportioned, assessed and lev[y][i]ed on polls, and estates both real and personal, within this province, according to such rules, and in such pro-

1733-34, chap. 7.  
§ 20.

1733-34, chap.  
11, § 7.

1735-36, chap. 1.  
§ 1.

1736-37, chap. 8.

\* NOTES to 1727-28, resolve (b).

† This is an error; see the act referred to.

portion upon the several towns and districts within the same, as shall be agreed on and ordered by this court at their present session; wherefore, for the ordering, directing and effectual drawing in the sum of forty-eight thousand nine hundred and twenty pounds nine shillings and threepence, which, with the sum of twenty thousand one hundred and twenty-four pounds eight shillings and ninepence, to be drawn in by the duties of impost, tunage of shipping and excise, together with the income of the bills let out, and the lighthouse, will make the said sum of sixty-nine thousand and forty-four pounds eighteen shillings, pursuant to the funds and grants aforesaid, which is unanimously approved, ratified and confirmed; we, his majesty's most loyal and dutiful subjects, the representatives in general court assembled, pray that it may be enacted,—

*And be it accordingly enacted by His Excellency the Governour, Council and Representatives in General Court assembled, and the authority of the same,*

[SECT. 1.] That each town and district within this province be assessed and pay, as such town's and district's proportions of the aforesaid sum of forty-eight thousand nine hundred and twenty pounds nine shillings and threepence, the several sums following; that is to say,—



## IN THE COUNTY OF SUFFOLK.

	PAID THE REPRESENTATIVES.	PROVINCE TAX.		SUM TOTAL.
		£130 16s. 0d.	£8, 100 0s. 0d.	
Boston, .	One hundred and thirty pounds sixteen shillings, .	30 0 0	392 5 0	£8, 230 16s. 0d.
Roxbury, .	Thirty pounds, .	33 6 0	386 5 0	422 5 0
Dorchester, .	Thirty-three pounds six shillings, .	33 6 0	386 5 0	419 11 0
Hingham, .	Forty pounds five shillings, .	40 5 0	426 0 0	466 5 0
Brantrey, .	Thirty-nine pounds fifteen shillings, .	39 15 0	367 13 9	407 8 9
Dedham, .	Thirty-nine pounds fifteen shillings, .	39 15 0	297 18 9	337 13 9
Medfield, .	Thirty-eight pounds nine shillings, .	38 9 6	190 13 9	229 2 9
Medway, .	Forty pounds two shillings, .	40 2 0	137 1 3	177 3 3
Weymouth, .	Thirty-nine pounds fifteen shillings, .	39 15 0	250 10 0	290 5 0
Milton, .	Thirty-three pounds six shillings, .	33 6 0	188 1 3	221 7 3
Wrentham, .	Thirty-six pounds fourteen shillings, .	36 14 0	282 3 9	318 17 9
Stoughton, .	Forty pounds fourteen shillings, .	40 14 0	223 13 9	264 7 9
Holl, .	Forty pounds, .	0 0 0	79 6 3	79 6 3
Brooklyn, .	Thirty-three pounds six shillings, .	33 6 0	117 7 6	180 13 6
Needham, .	Thirty-eight pounds five shillings, .	38 5 0	167 1 3	205 6 3
Bellingham, .	Forty pounds, .	0 0 0	81 15 0	81 15 0
Walpole, .	Forty pounds, .	0 0 0	77 16 3	77 16 3
		£614 8s. 0d.	£11,795 12s. 6d.	£12,410 0s. 6d.

## IN THE COUNTY OF ESSEX.

	PAID THE REPRESENTATIVES.	PROVINCE TAX.		SUM TOTAL.
		£65 2s. 0d.	£1,293 15s. 0d.	
Salem, .	Sixty-five pounds two shillings, .	80 14 0	1,267 10 0	£1,348 4 0
Ipawich, .	Eighty pounds fourteen shillings, .	71 14 0	1,063 2 6	1,134 16 6
Newbury, .	Sixty-one pounds fourteen shillings, .	70 16 0	900 0 0	970 16 0
Marblehead, .	Seventy pounds sixteen shillings, .	39 15 0	431 8 9	471 3 9
Lynn, .	Thirty-nine pounds fifteen shillings, .	38 14 0	523 6 3	562 0 3
Andover, .	Thirty-eight pounds fourteen shillings, .	38 14 0	523 6 3	562 0 3

## IN THE COUNTY OF ESSEX—Continued.

	PAID THE REPRESENTATIVES.	PROVINCE TAX.		SUM TOTAL.
		£40 13s. 0d.	Three hundred fifty-one pounds eleven shillings and three-pence, Three hundred forty-one pounds five shillings, Three hundred ninety-seven pounds ten shillings, Four hundred twenty-two pounds eight shillings and nine-pence, Five hundred eighty-eight pounds eighteen shillings and ninepence, One hundred sixty-three pounds six shillings and threepence, Two hundred and five pounds ten shillings, Three hundred fifty-two pounds ten shillings, One hundred ninety-one pounds eight shillings and ninepence, One hundred fifty-three pounds three shillings and ninepence, One hundred twenty-eight pounds five shillings, One hundred thirty-six pounds seventeen shillings and six-pence, One hundred seventeen pounds fifteen shillings, Fifty-six pounds five shillings,	
Beverly, .	Forty pounds thirteen shillings, .	£40 13s. 0d.		£351 11s. 3d.
Rowley, .	Forty-two pounds, .	42 0 0		341 5 0
Salisbury, .	Thirty-six pounds, .	36 0 0		397 10 0
Haverhill, .	Thirty-seven pounds four shillings, .	37 4 0		422 8 9
Gloicester, .	Forty pounds four shillings, .	40 4 0		588 18 9
Topsfield, .	Forty pounds nineteen shillings, .	40 19 0		163 6 3
Boxford, .	Forty pounds sixteen shillings, .	40 16 0		295 10 0
Atmsbury, .	Forty-two pounds twelve shillings, .	42 12 0		352 10 0
Bradford, .	Forty-two pounds, .	42 0 0		191 8 9
Wentham, .	Forty pounds thirteen shillings, .	40 13 0		153 3 9
Manchester, .	Forty pounds, .	40 0 0		128 5 0
Methuen, .	Forty pounds, .	40 0 0		136 17 6
Middletown, .	Forty pounds, .	40 0 0		117 15 0
Rumford, .	Forty pounds, .	40 0 0		56 5 0
		£769 16s. 0d.		£9,085 17s. 6d.

## IN THE COUNTY OF MIDDLESEX.

		PROVINCE TAX.		SUM TOTAL.
		£36 12s. 0d.	Two hundred ninety-four pounds three shillings and nine-pence, Eight hundred forty-eight pounds sixteen shillings and three-pence, Three hundred forty-seven pounds twelve shillings and six-pence, Four hundred and eleven pounds fifteen shillings, One hundred and sixty-seven pounds eight shillings and ninepence, Three hundred twenty-two pounds two shillings and sixpence, Three hundred six pounds three shillings and ninepence, Three hundred sixty-three pounds eleven shillings and threepence, Three hundred one pounds thirteen shillings and ninepence,	
Cambridge, .	Thirty-six pounds twelve shillings, .	£36 12s. 0d.		£294 3s. 9d.
Charlestown, .	Sixty-three pounds six shillings, .	63 6 0		848 16 3
Watertown, .	Thirty-three pounds six shillings, .	33 6 0		347 12 6
Concord, .	Forty pounds four shillings, .	40 4 0		411 15 0
Weston, .	Forty pounds four shillings, .	40 4 0		167 8 9
Woburn, .	Thirty-eight pounds fourteen shillings, .	38 14 0		322 2 6
Reading, .	Thirty-six pounds eighteen shillings, .	36 18 0		306 3 9
Sudbury, .	Forty pounds four shillings, .	40 4 0		363 11 3
Marlboro, .	Thirty-nine pounds six shillings, .	39 6 0		301 13 9
				£330 15s. 9d.

	£38 14s. 0d.	Two hundred twenty-seven pounds sixteen shill* and three-pence,	£227 16s. 3d.	£266 10s. 3d.
Lexington,	33 6 0	Thirty-eight pounds fourteen shillings,	276 7 6	309 13 6
Newton,	33 6 0	Thirty-three pounds six shillings,	258 15 0	292 1 0
Malden,	41 2 0	Forty-one pounds six shillings,	207 11 3	248 13 3
Chelmsford,	40 4 0	Forty pounds four shillings,	231 7 6	271 11 6
Billerica,	20 17 0	Twenty pounds seventeen shillings,	135 7 6	176 4 6*
Sherburn,	0 0 0	Twenty pounds sixteen shillings,	92 1 3	92 1 3
Holliston,	0 0 0	Thirty-one pounds ten shillings,	260 16 3	292 6 3
Groton,	31 10 0	Four pounds sixteen shillings,	265 13 9	270 9 9
Framingham,	4 16 0	Forty pounds sixteen shillings,	143 5 0	176 11 0
Medford,	33 6 0	Thirty-three pounds six shillings,		
Stow,	0 0 0	Twenty-four pounds,	127 17 6	147 17 6*
Dunstable,	24 0 0	Twenty-four pounds,	81 7 6	105 7 6
Dracut,	0 0 0	Twenty-four pounds,	82 10 0	82 10 0
Stoneham,	0 0 0	Twenty-four pounds,	94 2 6	94 2 6
Littleton,	39 0 0	Thirty-nine pounds,	133 6 3	172 6 3
Hopkinton,	39 12 0	Thirty-nine pounds twelve shillings,	112 10 0	152 2 0
Bedford,	0 0 0	Thirty-nine pounds,	100 13 9	110 13 9†
Nottingham,	0 0 0	Thirty-nine pounds,	57 18 9	57 18 9
Tewksbury,	0 0 0	Thirty-nine pounds,	74 8 9	74 8 9
Acton,	0 0 0	Thirty-nine pounds,	49 2 6	49 2 6
Westford,	0 0 0	Thirty-nine pounds,	135 7 6	145 7 6†
Wilmington,	9 6 0	Nine pounds six shillings,	82 13 9	91 13 9
	£757 13s. 0d.		£6,594 7s. 6d.	£7,412 0s. 6d.

## IN THE COUNTY OF HAMPSHIRE.

	£34 16s. 0d.	Four hundred ninety-two pounds three shillings and ninepence,	£492 3s. 9d.	£526 19s. 9d.
Springfield,	45 0 0	Three hundred forty-nine pounds thirteen shillings and ninepence,	349 13 9	394 13 9
Northampton,	34 16 0	Two hundred fifty-three pounds two shillings and sixpence,	253 2 6	287 18 6
Radley,	38 14 0	Two hundred eighty pounds ten shillings,	208 10 0	217 4 0
Radfield,	47 14 0	Two hundred eighty pounds eight shillings and ninepence,	218 8 9	266 2 9
Westfield,	41 14 0	Two hundred seventy-four pounds thirteen shillings and ninepence,	274 13 9	316 7 9
Southfield,	0 0 0	One hundred fifty-one pounds ten shillings,	151 10 0	151 10 0
Eastfield,	0 0 0	One hundred fifty-one pounds ten shillings,		

\* Fined for not sending a representative, twenty pounds.

† Fined for not sending a representative, ten pounds.

## IN THE COUNTY OF HAMPSHIRE—Continued.

	PAID THE REPRESENTATIVES.	PROVINCE TAX.		SUM TOTAL.
		£0	0s. 0d.	
Deerfield, .	. . . . .			£137 16s. 3d.
Sunderland, .	. . . . .	0	0 0	72 3 9
Northfield, .	. . . . .	0	0 0	112 10 0
Brimfield, .	. . . . .	0	0 0	115 2 6
Sonars, .	. . . . .	0	0 0	72 11 3
Sheffield, .	. . . . .	0	0 0	0 0 0
		£242	14s. 0d.	£2,701 0s. 3d.
		One hundred thirty-seven pounds sixteen shill <sup>s</sup> and three-pence, .		
		Seventy-two pounds three shillings and ninepence, .		
		One hundred and twelve pounds ten shillings, .		
		One hundred fifteen pounds two shillings and sixpence, .		
		Seventy-two pounds eleven shillings and threepence, .		

## IN THE COUNTY OF WORCESTER.

		PROVINCE TAX.		SUM TOTAL.
		£42	8s. 0d.	
Worcester, .	Forty-two pounds eight shillings, .	42	0 0	£146 5s. 0d.
Lancaster, .	Forty-two pounds, . . . . .	42	0 0	333 15 0
Mendon, .	Forty-one pounds fourteen shillings, .	41	14 0	219 18 9
Woodstock, .	Forty-two pounds, . . . . .	42	0 0	229 10 0
Brookfield, .	Twenty-one pounds, . . . . .	21	0 0	186 18 9
Southboro', .	. . . . .	0	0 0	127 17 6
Leicester, .	. . . . .	0	0 0	109 2 6
Rutland, .	. . . . .	0	0 0	68 16 3
Lancashire, .	Thirty-three pounds twelve shillings, .	33	12 0	73 2 6
Westboro', .	. . . . .	0	0 0	128 16 3
Shrewsbury, .	Thirty-eight pounds fourteen shillings, .	38	14 0	126 11 3
Oxford, .	. . . . .	0	0 0	78 15 0
Sutton, .	Forty-one pounds two shillings, .	41	2 0	156 18 9
Uxbridge, .	. . . . .	0	0 0	113 12 6
Harvard, .	. . . . .	0	0 0	90 15 0
Graton, .	. . . . .	0	0 0	79 17 6
		£302	10s. 0d.	£2,270 12s. 6d.
		One hundred forty-six pounds five shillings, .		£188 13s. 0d.
		Three hundred nineteen pounds fifteen shillings, .		375 15 0
		Two hundred nineteen pounds eighteen shillings and ninepence, .		219 18 9
		Two hundred twenty-nine pounds ten shillings, .		229 10 0
		One hundred eighty-six pounds eighteen shillings and ninepence, .		186 18 9
		One hundred twenty-seven pounds seventeen shill <sup>s</sup> and sixpence, .		227 18 9*
		One hundred nine pounds two shillings and sixpence, .		127 17 6
		Sixty-eight pounds sixteen shillings and threepence, .		109 2 6
		Seventy-three pounds two shillings and sixpence, .		68 16 3
		One hundred twenty-eight pounds sixteen shillings and three-pence, .		106 14 6
		One hundred twenty-six pounds eleven shillings and three-pence, .		153 16 3†
		Seventy-eight pounds fifteen shillings, .		165 5 3
		One hundred fifty-six pounds eighteen shillings and ninepence, .		78 15 0
		One hundred thirteen pounds twelve shillings and sixpence, .		218 0 9*
		Ninety pounds fifteen shillings, .		113 12 6
		Seventy-nine pounds seventeen shillings and sixpence, .		90 15 0

## IN THE COUNTY OF PLYMOUTH.

	£34 4s. 0d.		£437 5s. 0d.	£471 9s. 0d.
Thirty-four pounds four shillings, . . .	35 2 0	Four hundred thirty-seven pounds five shillings, . . .	196 10 0	231 12 0
Thirty-five pounds two shillings, . . .	41 2 0	One hundred ninety-six pounds ten shillings, . . .	596 2 6	697 4 6
Forty-one pounds two shillings, . . .	41 2 0	Five hundred fifty-six pounds two shillings and sixpence, . . .	596 12 6	647 14 6
Thirty-eight pounds eleven shillings, . . .	38 11 0	Three hundred and nine pounds eleven shillings and three-pence, . . .	309 11 3	348 2 3
Eighteen pounds six shillings, . . .	18 6 0	One hundred sixty-five pounds eleven shillings and three-pence, . . .	165 11 3	183 17 3
Forty-two pounds, . . .	42 0 0	One hundred sixty-five pounds eleven shillings and three-pence, . . .	165 11 3	207 11 3
Thirty pounds eighteen shillings, . . .	30 18 0	Three hundred forty-eight pounds eleven shillings and three-pence, . . .	348 11 3	379 9 3
Thirty-six pounds six shillings, . . .	36 6 0	Three hundred fourteen pounds sixteen shillings and three-pence, . . .	314 16 3	351 2 3
Four pounds sixteen shillings, . . .	4 16 0	Ninety-eight pounds five shillings, . . .	98 5 0	103 1 0
Kingston, . . .	0 0 0	One hundred fifteen pounds six shillings and threepence, . . .	115 6 3	125 6 3†
Hamover, . . .	0 0 0	One hundred forty pounds sixteen shillings and threepence, . . .	140 16 3	140 16 3
Halifax, . . .	0 0 0	Ninety-five pounds twelve shillings and sixpence, . . .	95 12 6	95 12 6
	£322 7s. 0d.		£3,450 11s. 3d.	£3,782 18s. 3d.

## IN THE COUNTY OF BRISTOL.

	£43 4s. 0d.		£334 2s. 6d.	£377 6s. 6d.
Forty-three pounds four shillings, . . .	42 0 0	Three hundred thirty-four pounds two shillings and sixpence, . . .	416 8 9	438 8 9
Forty-two pounds, . . .	0 0 0	Four hundred sixteen pounds eight shillings and ninepence, . . .	88 6 3	88 6 3
Raynham, . . .	37 10 0	Eighty-eight pounds six shillings and threepence, . . .	238 17 6	276 7 6
Thirty-seven pounds ten shillings, . . .	0 0 0	Two hundred thirty-eight pounds seventeen shillings and sixpence, . . .	78 3 9	78 3 9
Easton, . . .	44 8 0	Seventy-eight pounds three shillings and ninepence, . . .	650 1 3	694 9 3
Dartmouth, . . .	0 0 0	Six hundred fifty pounds one shilling and threepence, . . .	150 3 9	140 3 9
Dighton, . . .	39 18 0	One hundred forty pounds three shillings and ninepence, . . .	555 0 0	564 18 0
Rehoboth, . . .	33 6 0	Five hundred twenty-five pounds, . . .	328 6 3	361 12 3
Little Compton, . . .		Three hundred twenty-eight pounds six shillings and three-pence, . . .		

\* Fined for not sending a representative, twenty pounds.

† Fined for not sending a representative, twenty-five pounds.

‡ Fined for not sending a representative, ten pounds.



IN THE COUNTY OF BRISTOL.—Continued.

SWANSEY and Shevemet, Tiverton, . . Freetown, . .  Attleborough, Barrington, Berkley, . .	PAID THE REPRESENTATIVES.	PROVINCE TAX.		SUM TOTAL.
		£41 2s. 0d.	£371 5s. 0d.	
	Forty-one pounds two shillings, . .	39 6 0	180 0 0	£412 7s. 0d.
	Thirty-nine pounds six shillings, . .	43 16 0	150 15 0	219 6 0
	Forty-three pounds sixteen shillings, . .			194 11 0
	Thirty-six pounds, . .	36 0 0	273 18 9	339 18 9*
	Forty-one pounds, . .	0 0 0	127 10 0	127 10 0
	Forty-one pounds, . .	0 0 0	93 11 3	93 11 3
	Forty-one pounds, . .	£400 10s. 0d.	£4,006 10s. 0d.	£4,437 0s. 0d.

IN THE COUNTY OF BARNSTABLE.

Barnstable, . Yarmouth, Sandwich, . .  Eastham, . . Truro, Provincetown,  Harwich, . . Falmouth, Chatham, . .		£29 6s. 0d.	PROVINCE TAX.		SUM TOTAL.
			£505 10s. 0d.	£534 16s. 0d.	
	Twenty-nine pounds six shillings, . .	17 14 0	320 16 3	338 10 3	3
	Seventeen pounds fourteen shillings, . .	41 14 0	292 10 0	334 4 0	0
	Forty-one pounds fourteen shillings, . .				
	Thirty-three pounds six shillings, . .	33 6 0	364 17 6	398 3 6	6
	Forty-one pounds, . .	0 0 0	121 10 0	121 10 0	0
	Forty-one pounds, . .	0 0 0	57 15 0	57 15 0	0
	Forty-one pounds, . .				
	Forty-one pounds, . .	39 6 0	237 11 3	276 17 3	3
	Forty-one pounds, . .				
	Forty-one pounds, . .	28 4 0	187 6 3	215 10 3	3
	Forty-one pounds, . .	0 0 0	140 5 0	140 5 0	0
	Forty-one pounds, . .	£189 10s. 0d.	£2,228 1s. 3d.	£2,417 11s. 3d.	

IN THE COUNTY OF YORK.

York, Kittery, . .		PROVINCE TAX.		SUM TOTAL.
		£45 10s. 4d.	£393 3s. 9d.	
	Forty-five pounds twelve shillings, . .	35 10 0	507 0 0	£438 15s. 9d.
	Forty-five pounds ten shillings, . .			542 10 0

Berwick, . .	Twenty-one pounds twelve shillings, . .	£21 12s. 0d.	Two hundred sixty-four pounds fifteen shillings, . .	£264 15s. 0d.	£286 7s. 0d.
Wells, . .	Forty pounds sixteen shillings, . .	40 16 0	Two hundred twenty-two pounds fifteen shillings, . .	222 15 0	263 11 0
Falmouth, . .	Thirty-two pounds eight shillings, . .	32 8 0	Two hundred fifty-three pounds thirteen shillings and ninepence, . .	253 13 9	286 1 9
Bideford, . .	Eleven pounds fourteen shillings, . .	0 0 0	Ninety-nine pounds eleven shillings and threepence, . .	99 11 3	99 11 3
Arundell, . .	Twenty-five pounds sixteen shillings, . .	0 0 0	Ninety-two pounds sixteen shillings and threepence, . .	92 16 3	92 16 3
Scarborough, . .	Forty pounds sixteen shillings, . .	0 0 0	One hundred thirty pounds two shillings and sixpence, . .	130 2 6	130 2 6
North Yarmouth, . .	Forty pounds sixteen shillings, . .	0 0 0	Sixty-six pounds, . .	66 0 0	66 0 0
		£175 18s. 0d.		£2,029 17s. 0d.	£2,205 15s. 0d.

## IN THE COUNTY OF DUKES COUNTY.

Edgartown, . .	Eleven pounds fourteen shillings, . .	£11 14s. 0d.	One hundred and eighty pounds, . .	£180 0s. 0d.	£191 14s. 0d.
Chilmark, . .	Twenty-five pounds sixteen shillings, . .	25 16 0	Two hundred sixty pounds and threepence, . .	260 0 3	285 16 3
Tisbury, . .	Forty pounds sixteen shillings, . .	0 0 0	Eighty-eight pounds fourteen shillings and ninepence, . .	88 14 9	88 14 9
		£37 10s. 0d.		£528 15s. 0d.	£565 6s. 0d.

## IN NANTUCKET COUNTY.

Sharburn, . .	Twelve pounds twelve shillings, . .	£12 12s. 0d.	Four hundred eighty-one pounds ten shillings, . .	£481 10s. 0d.	£494 2s. 0d.
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\* Fined for not sending a representative, thirty pounds.

† Sic, in original.

	REPRESENTA- TIVES' PAY.	PROVINCE TAX.	FINES.	SUM TOTAL.
Suffolk, . . . .	£614 8s. 0d.	£11,795 12s. 6d.	£0 0s. 0d.	£12,410 0s. 6d.
Essex, . . . .	769 16 0	9,085 17 6	0 0 0	9,855 13 6
Middlesex, . . . .	757 13 0	6,594 7 6	60 0 0	7,412 0 6
Hampshire, . . . .	242 14 0	2,458 6 3	0 0 0	2,701 0 3
Worcester, . . . .	302 10 0	2,270 12 6	65 0 0	2,638 2 6
Plymouth, . . . .	322 7 0	3,450 11 3	10 0 0	3,782 18 3
Bristol, . . . .	400 10 0	4,006 10 0	30 0 0	4,437 0 0
Barnstable, . . . .	189 10 0	2,228 1 3	0 0 0	2,417 11 3
York, . . . .	175 18 0	2,029 17 6	0 0 0	2,205 15 6
Dukes County, . . . .	37 10 0	528 15 0	0 0 0	566 5 0
Nantucket, . . . .	12 12 0	481 10 0	0 0 0	494 2 0
	£3,825 8s. 0d.	£44,930 1s. 3d.	£165 0s. 0d.	£48,920 9 3

*And be it further enacted by the authority aforesaid,*

[SECT. 2.] That the treasurer do forthwith send out his warrants, directed to the selectmen or assessors of each town or district within this province, requiring them, respectively, to assess the sum hereby set upon such town and district, in manner following; that is to say, to assess all rateable male polls above the age of sixteen years, at eleven shillings and three pence per poll, and proportionably in assessing the fines mentioned in this act, and the said additional sum received out of the treasury for the payment of the representatives (except the governor, lieutenant-governor and their families, the president, fellows and students of Harvard College, settled ministers and grammar-school masters, who are hereby exempted as well from being taxed for their polls, as for their estates being in their own hands and under their actual management and improvement); and other persons, if such there be, who, thro' age, infirmity or extream poverty, in the judgment of the assessors, are not capable to pay towards publick charges, they may except their polls and so much of their estates, as in their prudence they shall think fit and judge meet.

[SECT. 3.] And the justices in the general sessions in the respective countys assembled, in granting a county tax or assessment, are hereby ordered and directed to apportion the same on the several towns in such county in proportion to their province rate, exclusive of what has been paid out of the publick treasury to the representative of such town for his service, and the fines set on the sundry towns as aforesaid; and the assessors of each town in the province are also directed in making any assessment, to govern themselves by the same rule; and all estates, both real and personal, lying within the limits of such town or district, or next unto the same, not paying elsewhere, in whose hand, tenure, occupation or possession soever the same is or shall be found, and income by trade or faculty which any person or persons (except as before excepted) do or shall exercise in gaining, by money or other estate not particularly otherwise assessed, or commissions of profit in their improvement, according to their understanding and cunning, at one penny on the pound; and to abate or multiply the same, if need be, so as to make up the sum hereby set and ordered for such town or district to pay; and in making their assessments to estimate houses and lands at six years' income of the yearly rents in money whereat the same may be reasonably set or let for in the places where they lye: *saving* all contracts between landlord and tenant, and where no such contract is, the landlord to reimburse one-half of the tax set upon such houses and lands; and to estimate Indian, negro and molatto servants proportionably as other personal estate, according to their sound judgment and discretion; as also to estimate every ox of four years old and up-

wards, at forty shillings; every cow of three years old and upwards, at thirty shillings; every horse and mare of three years old and upwards, at forty shillings; every swine of one year old and upwards, at eight shillings; every goat of one year old and upward, at three shillings; and sheep, at the age aforesaid, at three shillings: likewise requiring the assessors to make a fair list of the said assessment, setting forth, in distinct columns, against each particular person's name, how much he or she is assessed at for polls, and how much for houses and lands, and how much for personal estate and income by trade or faculty; and the list or lists so perfected and signed by them, or the major part of them, to commit to the collectors, constable or constables of such town or district, and to return a certificate of the name or names of such collectors, constable or constables, together with the sum total to each of them respectively committed, unto himself, some time before the last day of October next.

[SECT. 4.] And the treasurer for the time being, upon the receipt of such certificate, is hereby impow'ed and ordered to issue forth his warrants to the collectors, constable or constables of such town or district, requiring him or them, respectively, to collect the whole of each respective sum assessed on each particular person, before the last day of March next; and of the inhabitants of the town of Boston, to collect their proportion some time in the month of January next; and to pay in their collection, and issue the accompts of the whole, at or before the last day of May next, which will be in the year of our Lord one thousand seven hundred and thirty-eight.

*And be it further enacted by the authority aforesaid,*

[SECT. 5.] That the assessors of each town and district, respectively, in convenient time before their making the assessments, shall give seasonable warning to the inhabitants, in a town meeting, or by posting up notifications in some place or places in such town or district, or otherwise to notify the inhabitants to give or bring in to the assessors true and perfect lists of their polls and rateable estates; and if any person or persons shall neglect or refuse so to do, or bring in a false list, it shall be lawful to and for the assessors to assess such person or persons, according to their known ability in such town, in their sound judgment and discretion, their due proportion to this tax, as near as they can, agreeable to the rules herein given, under the penalty of twenty shillings for each person that shall be convicted by legal proof, in the judgment of the assessors, of bringing in a false list; the said fines to be for the use of the poor of such town or district where the delinquent lives, to be levied by warrant from the assessors, directed to the collector or constables, in manner as is directed for gathering town assessments, and to be paid in to the town treasurer or selectmen for the use aforesaid: *saving* to the party aggrieved at the judgment of the assessors in setting forth such fine, liberty to appeal therefrom to the court of general sessions of the peace within the county, for relief, as in case of being overrated. And if any person or persons shall not bring in a list of their estate as aforesaid to the assessors, he or they so neglecting, shall not be admitted to make application to the court of sessions for any abatement of the assessment laid on him.

[SECT. 6.] And if the party be not convicted of any falseness in the list, by him presented, of polls, rateable estate, or income by any trade or faculty which he doth or shall exercise in gaining, by money at interest or otherwise, or other estate not particularly assessed, such list shall be a rule for such person's proportion to the tax, which the assessors may not exceed.

*And forasmuch*, as oftentimes sundry persons not belonging to this province, bring considerable trade and merchandize, and by reason that

the tax or rate of the town where they come to trade or traffick is finished and delivered to the constable or collectors, and, before the next year's assessment, are gone out of the province, and so pay nothing towards the support of the government, thô in the time of their residing here they reaped considerable gain by trade, and had the protection of the government,—

*Be it further enacted by the authority aforesaid,*

[SECT. 7.] That when any such person or persons shall come and reside in any town of this province, and bring any merchandize, and trade and deal therewith, the assessors of such town are hereby impowered to rate and assess all such persons according to their circumstances, pursuant to the rules and directions in this act provided, thô the former rate may have been finished, and the new one not perfected, as aforesaid; and the constables or collectors are hereby enjoined to levy and collect all such sums committed to them, and pay the same into the town treasury. [*Passed July 2.*]



# ACTS

PASSED AT THE SESSION BEGUN AND HELD AT BOSTON,  
ON THE THIRTIETH DAY OF NOVEMBER, A.D. 1737.

## CHAPTER 15.

AN ACT FOR SUPPLYING THE TREASURY WITH THE SUM OF SIX THOUSAND POUNDS IN BILLS OF CREDIT OF THE NEW TENOR, FOR DISCHARGING THE PUBLICK DEBTS, &c.; AND FOR THE DRAWING IN THE SAID BILLS INTO THE TREASURY AGAIN.

*Be it enacted by His Excellency the Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

[SECT. 1.] That there be forthwith imprinted a certain number of bills of credit on this province of the new tenor and form, which in the whole will amount to the sum of six thousand pounds, pursuant to the vote or order of this court in their present session, to be signed by the committee heretofore appointed; and the said committee are hereby directed and impowered to take care and make effectual provision, so soon as may be, to imprint the said bills, and to sign and deliver the same to the treasurer, taking his receipt for the same; and the said committee shall be under oath for the faithful performance of the trust by this act reposed in them, and be rewarded for their service as they were for signing the last bills of said tenor.

£6,000 in bills of credit of the new form and tenor to be imprinted.

*And be it further enacted by the authority aforesaid,*

[SECT. 2.] That the treasurer be and hereby is impowered and ordered to issue forth and emit the said sum of six thousand pounds, for the necessary support and defence of the government, and for the protection and preservation of the inhabitants thereof; vizt., five thousand pounds, part of the aforesaid sum, to be applied for the payments of such grants as are or shall be made by this court, and for the payment of stipends, bount[ie][y]s and premiums established by law, and for the payment of all other matters and things which this court have or shall, either by law or orders, provide for the payment of out of the publick treasury, and for no other purpose whatsoever; and the sum of one thousand pounds shall be appl[i][y]ed for the discharge of [the] [other] debts owing from this province to persons who have served or shall serve them by order of this court, in such matters and things where there is no establishment, nor any certain sum assigned for such service.

£5,000 appropriated for the payment of grants, stipends bounties, &c.

£1,000 for discharging of other debts.

*And be it further enacted by the authority aforesaid,*

[SECT. 3.] That each and every warrant for drawing money out of the treasury, shall direct the treasurer to take the same out of such sums as are respectively appropriated by this or any former act, for the payment of such publick debts as the draughts are made to discharge;

Warrants to express the appropriation.

and the treasurer is hereby directed and ordered to pay such money out of such appropriations as directed to, and no other, upon pain of refunding all such sum or sums as he shall otherwise pay ; and to keep exact and distinct accounts of all payments made out of such appropriated sums, and that the secretary, to whom it belongs to keep the accompts of charge, be directed to lay before the house all such accompts, when desired, after payment thereof.

*And be it further enacted by the authority aforesaid,*

Fund of £6,000  
in a tax appor-  
tioned on the  
towns.

[SECT. 4.] That, as a fund and security for the drawing in and re-  
payment of the said bills into the publick treasury, and to no other use  
and purpose whatsoever, there be and hereby is granted unto his most  
excellent majesty, a tax of six thousand pounds, to be levied on polls,  
and estates both real and personal, and by no other way, within this  
province ; and that each town and district be assessed and pay as such  
town's and district's proportion of the aforesaid sum of six thousand  
pounds, the sum affixed to such towns, respectively, as follows ; that  
is to say,—

IN THE COUNTY OF SUFFOLK.

Boston, one thousand and eighty pounds, . . .	£1,080	0s. 0d.
Roxbury, fifty-two pounds six shillings, . . .	52	6 0
Dorchester, fifty-one pounds ten shillings, . . .	51	10 0
Hingham, fifty-six pounds sixteen shillings, . . .	56	16 0
Brantrey, forty-nine pounds and sixpence, . . .	49	0 6
Weymouth, thirty-three pounds eight shillings, . . .	33	8 0
Medfield, twenty-five pounds eight shillings and six- pence, . . .	25	8 6
Medway, eighteen pounds five shillings and sixpence, . . .	18	5 6
Dedham, thirty-nine pounds fourteen shillings and six- pence, . . .	39	14 6
Milton, twenty-five pounds one shilling and sixpence, . . .	25	1 6
Wrentham, thirty-seven pounds twelve shilling and six- pence, . . .	37	12 6
Stoughton, twenty-nine pounds sixteen shillings and sixpence, . . .	29	16 6
Needham, twenty-two pounds five shillings and six- pence, . . .	22	5 6
Bellingham, ten pounds eighteen shillings, . . .	10	18 0
Walpole, ten pounds seven shillings and sixpence, . . .	10	7 6
Hull, ten pounds eleven shillings and sixpence, . . .	10	11 6
Brooklin[e], nineteen pounds thirteen shillings, . . .	19	13 0

£1,572 15s. 0d.

IN THE COUNTY OF ESSEX.

Salem, one hundred and seventy-two pounds ten shil- lings, . . .	£172	10s. 0d.
Ipswich, one hundred and sixty-nine pounds, . . .	169	0 0
Newbury, one hundred forty-one pounds fifteen shil- lings, . . .	141	15 0
Marblehead, one hundred and twenty pounds, . . .	120	0 0
Lynn, fifty-seven pounds ten shillings and sixpence, . . .	57	10 6
Andover, sixty-nine pounds fifteen shillings and six- pence, . . .	69	15 6
Beverly, forty-six pounds seventeen shillings and six- pence, . . .	46	17 6
Rowley, forty-five pounds ten shillings, . . .	45	10 0
Salisbury, fifty-three pounds, . . .	53	0 0
Haverhill, fifty-six pounds six shillings and sixpence, . . .	56	6 6

Glocester, seventy-eight pounds ten shillings and sixpence, . . . . .	£78 10s. 6d.
Topsfield, twenty-one pounds fifteen shillings and sixpence, . . . . .	21 15 6
Boxford, twenty-seven pounds eight shillings, . . . . .	27 8 0
Almsbury, forty-seven pounds, . . . . .	47 0 0
Bradford, twenty-five pounds ten shillings and sixpence, . . . . .	25 10 6
Wenham, twenty pounds eight shillings and sixpence, . . . . .	20 8 6
Manchester, seventeen pounds two shillings, . . . . .	17 2 0
Methuen, eighteen pounds five shillings, . . . . .	18 5 0
Middleton, fifteen pounds fourteen shillings, . . . . .	15 14 0
Rumford, six pounds, . . . . .	6 0 0
	£1,209 19s. 0d.

## IN THE COUNTY OF MIDDLESEX.

Cambridge, thirty-nine pounds four shillings and sixpence, . . . . .	£39 4s. 6d.
Charlestown, one hundred and thirteen pounds three shillings and sixpence, . . . . .	113 3 6
Watertown, forty-six pounds seven shillings, . . . . .	46 7 0
Concord, fifty-four pounds eighteen shillings, . . . . .	54 18 0
Weston, twenty-two pounds six shillings and sixpence, . . . . .	22 6 6
Woburn, forty-two pounds nineteen shillings, . . . . .	42 19 0
Reading, forty pounds sixteen shillings and sixpence, . . . . .	40 16 6
Sudbury, forty-eight pounds nine shillings and sixpence, . . . . .	48 9 6
Marlborough, forty pounds four shillings and sixpence, . . . . .	40 4 6
Lexington, thirty pounds seven shillings and sixpence, . . . . .	30 7 6
Newton, thirty-six pounds seventeen shillings, . . . . .	36 17 0
Malden, thirty-four pounds ten shillings, . . . . .	34 10 0
Chelmsford, twenty-seven pounds thirteen shillings and sixpence, . . . . .	27 13 6
Billerica, thirty pounds seventeen shillings, . . . . .	30 17 0
Sherburn, eighteen pounds one shilling, . . . . .	18 1 0
Holliston, twelve pounds five shillings and sixpence, . . . . .	12 5 6
Groton, thirty-four pounds fifteen shillings and sixpence, . . . . .	34 15 6
Framingham, thirty-five pounds eight shillings and sixpence, . . . . .	35 8 6
Medford, nineteen pounds two shillings, . . . . .	19 2 0
Stow, seventeen pounds one shilling, . . . . .	17 1 0
Dunstable, ten pounds seventeen shillings, . . . . .	10 17 0
Dracut, eleven pounds, . . . . .	11 0 0
Stonham, twelve pounds eleven shillings, . . . . .	12 11 0
Littleton, seventeen pounds fifteen shillings and sixpence, . . . . .	17 15 6
Hopkinton, fifteen pounds, . . . . .	15 0 0
Bedford, thirteen pounds eight shillings and sixpence, . . . . .	13 8 6
Westford, eighteen pounds one shilling, . . . . .	18 1 0
Wilmington, eleven pounds and sixpence, . . . . .	11 0 6
Nottingham, seven pounds fourteen shillings and sixpence, . . . . .	7 14 6
Tewksbury, nine pounds eighteen shillings and sixpence, . . . . .	9 18 6
Acton, six pounds eleven shillings, . . . . .	6 11 0
	£879 5s. 0d.

## IN THE COUNTY OF HAMPSHIRE.

Springfield, sixty-five pounds twelve shillings and sixpence, . . . . .	£65 12s. 6d.
Northampton, forty-six pounds twelve shillings and sixpence, . . . . .	46 12 6
Hadley, thirty-three pounds fifteen shillings, . . . . .	33 15 0
Hatfield, twenty-seven pounds sixteen shillings, . . . . .	27 16 0
Westfield, twenty-nine pounds two shillings and sixpence, . . . . .	29 2 6
Suffield, thirty-six pounds twelve shillings and sixpence, . . . . .	36 12 6
Enfield, twenty pounds four shillings, . . . . .	20 4 0
Deerfield, eighteen pounds seven shillings and sixpence, . . . . .	18 7 6
Sunderland, nine pounds twelve shillings and sixpence, . . . . .	9 12 6
Northfield, fifteen pounds, . . . . .	15 0 0
Brimfield, fifteen pounds seven shillings, . . . . .	15 7 0
Somers, nine pounds thirteen shillings and sixpence, . . . . .	9 13 6
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	£327 15s. 6d.

## IN THE COUNTY OF WORCESTER.

Worcester, nineteen pounds ten shillings, . . . . .	£19 10s. 0d.
Lancaster, forty-four pounds ten shillings, . . . . .	44 10 0
Mendon, twenty-nine pounds six shillings and sixpence, . . . . .	29 6 6
Woodstock, thirty pounds twelve shillings, . . . . .	30 12 0
Brookfield, twenty-four pounds eighteen shillings and sixpence, . . . . .	24 18 6
Southborough, seventeen pounds one shilling, . . . . .	17 1 0
Leicester, fourteen pounds eleven shillings, . . . . .	14 11 0
Rutland, nine pounds three shillings and sixpence, . . . . .	9 3 6
Lunenburg, nine pounds fifteen shillings, . . . . .	9 15 0
Westborough, seventeen pounds three shillings and sixpence, . . . . .	17 3 6
Shrewsbury, sixteen pounds seventeen shillings and sixpence, . . . . .	16 17 6
Oxford, ten pounds ten shillings, . . . . .	10 10 0
Sutton, twenty pounds eighteen shillings and sixpence, . . . . .	20 18 6
Uxbridge, fifteen pounds three shillings, . . . . .	15 3 0
Grafton, ten pounds thirteen shillings, . . . . .	10 13 0
Harvard, twelve pounds two shillings, . . . . .	12 2 0
Upton, three pounds six shillings and sixpence, . . . . .	3 6 6
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	£306 1s. 6d.

## IN THE COUNTY OF PLYMOUTH.

Pl[y][i]mouth, fifty-eight pounds six shillings, . . . . .	£58 6s. 0d.
Plimpton, twenty-six pounds four shillings, . . . . .	26 4 0
Scituate, twenty-four pounds three shillings, . . . . .	24 3 0
Bridgwater, sixty-seven pounds eleven shillings, . . . . .	67 11 0
Marshfield, forty-one pounds five shillings and sixpence, . . . . .	41 5 6
Pembro[o]ke, twenty-two pounds one shilling and sixpence, . . . . .	22 1 6
Duxbury, twenty-two pounds one shilling and sixpence, . . . . .	22 1 6
Middleborough, forty-six pounds nine shillings and sixpence, . . . . .	46 9 6
Rochester, forty-one pounds nineteen shillings and sixpence, . . . . .	41 19 6
Abington, thirteen pounds two shillings, . . . . .	13 2 0
Kingston, fifteen pounds seven shillings and sixpence, . . . . .	15 7 6

Han[n]over, eighteen pounds fifteen shillings and sixpence, . . . . .	£18 15s. 6d.
Hal[l]ifax, twelve pounds fifteen shillings, . . . . .	12 15 0
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	£460 1s. 6d.

## IN THE COUNTY OF BARNSTABLE.

Barnstable, sixty-seven pounds eight shillings, . . . . .	£67 8s. 0d.
Yarmouth, forty-two pounds fifteen shillings and sixpence, . . . . .	42 15 6
Sandwich, thirty-nine pounds, . . . . .	39 0 0
Eastham, forty-eight pounds thirteen shillings, . . . . .	48 13 0
Truro, sixteen pounds four shillings, . . . . .	16 4 0
Harwich, thirty-one pounds thirteen shillings and sixpence, . . . . .	31 13 6
Falmouth, twenty-four pounds nineteen shillings and sixpence, . . . . .	24 19 6
Chatham, eighteen pounds fourteen shillings, . . . . .	18 14 0
Provincetown, seven pounds fourteen shillings, . . . . .	7 14 0
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	£297 1s. 6d.

## IN THE COUNTY OF BRISTOL.

Bristol, forty-four pounds eleven shillings, . . . . .	£44 11s. 0d.
Taunton, fifty-five pounds ten shillings and sixpence, . . . . .	55 10 6
Norton, thirty-one pounds seventeen shillings, . . . . .	31 17 0
Easton, ten pounds eight shillings and sixpence, . . . . .	10 8 6
Dartmouth, eighty-six pounds thirteen shillings and sixpence, . . . . .	86 13 6
Dighton twenty pounds and sixpence, . . . . .	20 0 6
Rehoboth, seventy pounds, . . . . .	70 0 0
Little Compton, forty-three pounds fifteen shillings and sixpence, . . . . .	43 15 6
Swansey, forty-nine pounds ten shillings, . . . . .	49 10 0
Tiverton, twenty-four pounds, . . . . .	24 0 0
Freetown, twenty pounds two shillings, . . . . .	20 2 0
Attleborough, thirty-six pounds ten shillings and sixpence, . . . . .	36 10 6
Barrington, seventeen pounds, . . . . .	17 0 0
Raynham, eleven pounds fifteen shillings and sixpence, . . . . .	11 15 6
Berkeley, twelve pounds nine shillings and sixpence, . . . . .	12 9 6
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	£534 4s. 0d.

## IN THE COUNTY OF YORK.

York, fifty-two pounds eight shillings and sixpence, . . . . .	£52 8s. 6d.
Kittery, sixty-seven pounds twelve shillings, . . . . .	67 12 0
Berwick, thirty-five pounds six shillings, . . . . .	35 6 0
Wells, twenty-nine pounds fourteen shillings, . . . . .	29 14 0
Falmouth, thirty-three pounds sixteen shillings and sixpence, . . . . .	33 16 6
Biddeford, thirteen pounds five shillings and sixpence, . . . . .	13 5 6
Arundel, twelve pounds seven shillings and sixpence, . . . . .	12 7 6
Scarborough, twenty-four pounds seventeen shillings, . . . . .	24 17 0
North Yarmouth, eight pounds sixteen shillings, . . . . .	8 16 0
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	£278 3s. 0d.



## IN THE COUNTY OF DUKES COUNTY.

Edgartown, twenty-four pounds, . . . . .	£24 0s. 0d.
Chilmark, twenty-nine pounds eighteen shillings and eightpence, . . . . .	29 18 8
Tisbury, sixteen pounds eleven shillings and fourpence, . . . . .	16 11 4
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	£70 10s. 0d.

## IN NANTUCKET COUNTY.

Sherbourn, sixty-four pounds four shillings, . . . . .	£64 4s. 0d.
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Suffolk, fifteen hundred seventy-two pounds fifteen shillings, . . . . .	£1,572 15 0
Essex, twelve hundred and nine pounds nineteen shil- lings, . . . . .	1,209 19 0
Middlesex, eight hundred seventy-nine pounds five shillings, . . . . .	879 5 0
Hampshire, three hund[red] twenty-seven pounds fif- teen shill[ings] and sixpence, . . . . .	327 15 6
Worcester, three hundred and six pounds one shil- ling and sixpence, . . . . .	306 1 6
Plimouth, four hundred and sixty pounds one shilling and sixpence, . . . . .	460 1 6
Bristol, five hundred and thirty-four pounds four shil- lings, . . . . .	534 4 0
Barnstable, two hundred ninety-seven pounds one shill[ing] and sixpence, . . . . .	297 1 6
York, two hundred and seventy-eight pounds three shillings, . . . . .	278 3 0
Dukes County, seventy pounds ten shillings, . . . . .	70 10 0
Nantucket, sixty-four pounds four shillings, . . . . .	64 4 0
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	£6,000 0s. 0d.

Rules for as-  
sessing the tax.

*And be it further enacted by the authority aforesaid,*  
[SECT. 5.] That the treasurer do, sometime in the month of June, one thousand seven hundred and forty, send out his warrants, directed to the selectmen or assessors of each town or district within this province, requiring them respectively to assess the sum hereby set upon such town and district in manner following; that is to say, to assess all ratable male polls above the age of sixteen years at one shilling and sixpence per poll (except the governour, lieutenant-governour and their families, the president, fellows and students of Harvard College, set[tl]ed ministers and grammar-school masters,—who are hereby exempted as well from being taxed for their polls as for their estates being in their own hands and under their actual management and improvement,—and other persons, if such there be, who through age, infirmity or extream poverty, in the judgment of the assessors, are not capable to pay towards publick charges, they may except their polls, and so much of their estates as in their prudence they shall think fit and judge meet); and all estate[s], both real and personal, lying within the limits and bounds of such town or district, or next unto the same, not paying elsewhere, in whose hands, tenure, occupation or possession soever the same is or shall be found, and income by trade and faculty which any person or persons, except as before excepted, do or shall exercise in gaining by money or other estate not particularly otherwise assessed, or commissions of profit in their improvement, according to their understanding and cunning, at one

penny on the pound, and to abate or multiply the same, if need be, so as to make up the sum hereby set and ordered for such town or district to pay; and in making their assessments to estimate houses and lands at six years' income of the yearly rents in money whereat the same may be reasonably set or let for in the place where they lye: *saving*, all contracts between landlord and tenant, and where no such contract is, the landlord to reimburse one-half of the tax set upon such houses and land[s]; and to estimate Indian, negro and molatto servants proportionably as other personal estate, according to their sound judgment and discretion; as also to estimate every ox of four years old and upwards, at forty shillings; every cow of three years old and upwards, at thirty shillings; every horse and mare of three years old and upwards, at forty shillings; every swine of one year old and upwards, at eight shillings; every goat and sheep of one year old and upwards, at three shillings: likewise requiring the assessors to make a fair list of said assessment, setting forth in distinct columns, against each particular person's name, how much he or she is assessed at for polls, and how much for houses and lands, and how much for personal estate and income by trade or faculty; and the list or lists so perfected and signed by them, or the major part of them, to commit to the collectors, constable or constables of such town or district, and to return a certificate of the names of such collectors, constable or constables, together with the sum total to each of them committed, unto himself sometime before the last day of October then next following.

[SECT. 6.] And the treasurer for the time being, upon the receipt of such certificate, is hereby impowered and ordered to issue forth his warrant to the collector, constable or constables of such town or district, requiring him or them, respectively, to collect the whole of each respective sum assessed on each particular person, before the last day of March then next following, and of the inhabitants of the town of Boston to collect their proportion sometime in the month of January then next following, and to pay in their collection and issue the accompts of the whole at or before the last day of May then next following, which will be in the year of our Lord one thousand seven hundred and forty-one.

*And be it further enacted by the authority aforesaid,*

[SECT. 7.] That the assessors of each town and district, respectively, in convenient time before their making the assessment, shall give seasonable warning to the inhabitants in a town meeting, or by posting up notifications in some place or places in such town or district, or otherwise to notify the inhabitants to give or bring in to the assessors true and perfect lists of their polls and ratable estates; and if any person or persons shall neglect or refuse so to do, or bring in a false list, it shall be lawful to and for the assessors to assess such person or persons according to their known ability in such town, in their sound judgment and discretion, their due proportion to this tax, as near as they can, agre[e]able to the rules herein given, under the penalty of twenty shillings for each person that shall be convicted by legal proof, in the judgment of the assessors, of bringing in a false list: the said fines to be for the use of the poor of such town or district where the delinquent lives, to be levied by warrant from the assessors, directed to the collector or constables, in manner as is directed for gathering town assessments, and to be paid in to the town treasurer or selectmen for the use afores[ai]d: *saving* to the party aggrieved at the judgment of the assessors in setting forth such fine, liberty of appeal therefrom to the court of general sessions of the peace within the county for relief, as in case of being overrated; and if any person or persons shall not bring in a list of their estate as afores[ai]d to the assessors, he or they so neglect-

Notifications to be given of the assessment.

Persons to bring a list.

Penalty in case of a false list.

ing shall not be admitted to make application to the court of sessions for any abatement of the assessment laid on him.

[SECT. 8.] And if the party be not convicted of any falseness in the list by him presented, of polls, ratable estate or income by any trade or faculty which he doth or shall exercise in gaining, by money at interest or otherwise, or other estate not particularly assessed, such list shall be a rule for such person's proportion to the tax, which the assessors may not exceed.

Preamble.

*And forasmuch*, as ofttimes sundry persons, not belonging to this province, bring considerable trade and merchandize, and by reason that the tax or rate of the town where they come to trade or traffick is finished, and delivered to the constable or collectors, and before the next year's assessment are gone out of the province, and so pay nothing towards the support of the government, th[ough] in the time of their residing here they reaped considerable gain by trade, and had the protection of the government,—

Transient traders to be rated.

*Be it further enacted by the authority aforesaid,*

[SECT. 9.] That when any such person or persons shall come and reside in any town of this province, and bring any merchandize, and trade and deal therewith, the assessors of such town are hereby empowered to rate and assess all such persons, according to their circumstances, pursuant to the rules and directions in this act provided, though the former rate may have been finished and the new one not perfected, as aforesaid; and the constables or collectors are hereby enjoined to levy and collect all such sums committed unto them, and to pay the same into the town treasury.

Proviso.

*Provided, always,*

[SECT. 10.] That the general court at their session in May, one thousand seven hundred and forty, may, if they think fit, by an act then to be made, apportion the aforesaid sum of six thousand pounds on the several towns of this province, anything in this act notwithstanding.

Tax may be paid in other species besides the bills emitted.

*And be it further enacted by the authority aforesaid,*

[SECT. 11.] That the inhabitants of this province shall have liberty, if they see fit, to pay the several sums for which they may respectively be assessed at, as their proportion of the aforesaid sum of six thousand pounds in bills of publick credit of the new teno[u]r, according to their several denominations, or in bills of the old teno[u]r in proportion of three to one, or in coined silver at six shillings and eightpence per ounce, Troy weight, or in gold coin at the rate of four pounds eighteen shillings per ounce, or in hemp or flax, the hemp to be received by the treasurer at fourpence per pound, and flax at sixpence per pound; which hemp and flax, as soon as conveniently, may be disposed of by the treasurer to the best advantage, for so much as it will fetch in bills of credit of either teno[u]r, or for silver and gold; and if any loss shall happen by the sale of the aforesaid species, or by any unforeseen accident, such deficiency shall be made good by a tax of the year next following, so as fully and effectually to call in the whole sum of six thousand pounds in said bills hereby ordered to be emitted; and if there be a surpluse it shall remain a stock in the treasury.

*And be it further enacted by the authority aforesaid,*

Bills outstanding in Dec. 1742, to be paid off in silver and gold.

[SECT. 12.] That if it shall happen that any of the bills of the new teno[u]r and form by this act to be emitted, shall be outstanding and not paid in for taxes, &c., unto the constables or collectors of the publick taxes or to the treasurer or other receivers of publick dut[ie][y]s, that whosoever shall have any such bills in his hands or possession, may at any time after the last day of December, which will be in the year of our Lord one thousand seven hundred and forty-two, bring them

to the treasurer, and receive in exchange for every six shillings and eightpence of said bills, one ounce of silver, or the like value in gold, and proportionably for a greater or lesser sum; and the treasurer is hereby ordered to exchange them accordingly. [*Passed January 4; published January 9, 1737-38.*]

## CHAPTER 16.

### AN ACT FOR PREVENTING THE DESTRUCTION OF WILD FOWL.

WHEREAS the water-fowl of divers kinds which were wont in former years in great numbers to frequent the maritime towns of this province, were of great service and benefit to the inhabitants, both for meat and feathers, but are now in great measure affrighted and driven away by many persons, who have made use of floats, rafts, canoes and other vessels to follow after and shoot at them as well by night as by day, and do likewise shoot at them, sitting, from off the land, in the night; which practices, if continued, are like to have the ill effect to cause the fowl wholly to desert and disuse the said places; for prevention whereof,—

*Be it enacted by His Excellency the Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

[SECT. 1.] That if any person or persons shall at any time after the publication of this act, make use of any float, raft, canoe or other vessel wherewith, by day or by night, to approach and shoot at any water-fowl in any part of this province, or shoot at any such fowl, sitting, in the night, from off the land or shoar, he or they so offending shall each of them forfeit and pay the sum of forty shillings for every offence, to be recovered before any court of record proper to try the same, or justice of the peace for the county where the offence shall be committed, by bill, plaint or information; the one half to the informer and the other half for the use of the poor in the town where the offence shall be committed.

Preamble.  
1727, chap. 17.

Persons forbidden to kill water-fowl in floats, canoes, &c.

[SECT. 2.] This act to continue and be in force for the term of five years from the publication thereof, and from thence to the end of the next session of the general court, and no longer. [*Passed January 4; published January 9, 1737-38.*]

Limitation.

## CHAPTER 17.

### AN ACT FOR THE RELIEF OF POOR PRISONERS FOR DEBT.

*Be it enacted by His Excellency the Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

[SECT. 1.] That when any person, during the continuance of this act, shall stand committed for debt or damages, upon execution, and shall complain that he or she hath not estate sufficient to support him- or herself in prison, the goaler or keeper of such prison shall thereupon, at the request of the prisoner, be obliged to apply to two of his majesty's justices of the peace for the county, *quorum unus*, who shall thereupon make out a notification under their hands and seals, to be served on the creditor or creditors, if he, she or they live within this

Proceedings upon the prisoner's desire for a release.  
1736-37, chap. 13.



province, his or her executor, administrator, agent or attorney, by reading the same to them, or by leaving an attested copy thereof at the place of his, her or their usual abode, or, if out of the province, then to be left at the place of the usual abode of such creditor or creditor's agent or attorney, if any such they have, at whose suit such prisoner is in custody, thereby signifying to him, her or them, such prisoner's desire of taking the privilege and benefit allow[*e*]d in and by this act, of the time and place appointed for the intended caption of his or her oath; which notification shall be served at least forty days before the caption, and so certified to said justices, that so he, she or they may be present if they see cause; and such justices are hereby empowered to administer to such debtor, if they [shall] think proper so to do, after they have fully examined and heard the parties, the following oath; vizt.,—

Prisoner's oath.

I, A. B., do, upon my oath, solemnly profess and declare before Almighty God, that I have not any estate, real or personal, in possession, reversion or remainder, sufficient to support myself in prison, or to pay prison charges; and that I have not since the commenceing of this suit upon me, nor at any other time, directly or indirectly, sold, leased or otherwise conveyed or disposed of, to, or intrusted any person or persons whomsoever with, all or any part of the estate, real or personal, whereof I have been the lawful[*l*] owner or possessor, with any intent or design to secure the same, or to receive or expect any pro[*f*]it or advantage therefrom, or done, caused or suffered to be done anything else [*whatsoever*], whereby any of my creditors may be defrauded.

Prisoner to be discharged or maintained by the creditor, in case.

—which oath being taken by such prisoner, and certificate thereof made under the hands and seals of the justices administring the same, to the goaler or keeper, he shall thereupon set such prisoner at liberty, unless such creditor or creditors, his or executors or administrators, agent or attorney, shall give security to the goaler or keeper, for the payment of seven shillings per week, to be applied for and towards the support of such prisoner while he, she or they are detained in prison; and it shall and may be lawful[*l*] for such goaler or keeper to detain and keep in close custody such prisoner, so long as said sum of seven shillings per week, for and towards his or her support, shall be paid, but upon failure thereof, such prisoner shall be set at liberty as aforesaid.

*And be it further enacted by the authority aforesaid,*

Poor prisoner taking the oath, from what execution to be discharged.

[SECT. 2.] That when any person standing committed upon execution for any debt or damage, and hath attended the directions of this act, he shall only be discharged from such execution or executions wherein the creditor or creditors, his or their agent or attorney, were duly notified in such manner as this act directs, and not from any other execution for any debt or damage upon which also he may or shall then stand committed, unless he takes the oath again and attend the directions of this act.

*And be it further enacted by the authority aforesaid,*

Persons committed on a new execution to receive no further benefit of a former discharge.

[SECT. 3.] That if any person, after having received the benefit of this act with respect to his discharge as aforesaid, shall be again committed to prison on any new execution that shall or may be served upon him, he shall receive no further benefit hereby, but be excluded therefrom; anything in this act to the contrary notwithstanding.

*And be it further enacted by the authority aforesaid,*

Penalty for a false oath.

[SECT. 4.] That in case any such prisoner shall be convicted of having sold, leased or otherwise conveyed or disposed of, or intrusted his or her estate or any part thereof, directly or indirectly, contrary to the foregoing oath, such prisoner shall not only be liable to the pains and penalties mentioned in the law for punishing [*of*] willful perjury, but shall receive no benefit from the said oath; anything in this act to the contrary notwithstanding.



*And be it further enacted by the authority aforesaid,*

[SECT. 5.] That if such prisoner at the time of the intended execution shall not take the oath aforesaid, or be not admitted thereto by said justices, then he or she shall be remanded back to goal and shall not be intitled to the benefit in and by this act provided.

Prisoner not taking the oath to be remanded back to jail.

*And be it further enacted by the authority aforesaid,*

[SECT. 6.] That notwithstanding the discharge of the person of such prisoner upon taking the oath as aforesaid, all and every judgment had and given against him or her shall be and remain good and effectual in law, to all intents and purposes, against the lands, tenements, goods and chattels that may then or at any time afterwards belong to such prisoner discharged as aforesaid.

The prisoner's estate (lands, tenements, goods and chattels) notwithstanding his discharge upon oath.

[SECT. 7.] And it shall and may be lawful [1] to and for such creditor of such prisoner discharged as aforesaid, his executors, administrators, agent or attorney, to take out any new execution,—to which shall be added, by the clerk of the court from whence the execution issues, the charge, if any there be, that the creditors have been at for the prisoner's support, at seven shillings per week as aforesaid: such creditor or creditors first making oath before the clerk (who is empowered to administer the same) of the truth of what he, she or they shall charge to said prisoner for his or her support,—against the lands, tenements, hereditaments goods and chattels of such prisoner: his or her wearing apparel [1], bedding for him and his or her family, and tools necessary for his or her trade and occupation only excepted: for the satisfaction of his or their debt, in such sort and manner as he might have done if the person of such prisoner had never been taken in execution.

Charges for supporting the prisoner to be added.

Apparel, bedding and tools excepted.

*And be it further enacted by the authority aforesaid,*

[SECT. 8.] That if the debtor shall be aggrieved with the charge added by the clerk to said new execution, such debtor shall and may sue for and recover of the creditor or creditors, before any court proper to try the same, fourfold the sum which hath been levied upon him or her the said prisoner and shall be made to appear to such court to be unjustly or falsely charged by the creditor or creditors for his or her support as aforesaid.

Remedy against a false charge for support.

*Provided,*

[SECT. 9.] That if the goaler or keeper of any prison shall refuse or delay to discharge and set at liberty any prisoner, contrary to the true intent and meaning of this act, every such goaler or keeper shall forfeit and pay to such prisoner, detained contrary to this act, the sum for which he or she stands committed, to be recovered by action of debt in any court of record proper to try the same.

Remedy against the jailer's refusing to discharge the prisoner.

*Provided, also,*

[SECT. 10.] That this act shall not extend to any person or persons in execution for any fine on him, her or them imposed.

Proviso.

[SECT. 11.] This act to continue and be in force for the space of three years from the publication thereof, and to the end of the then next sitting of the general court, and no longer. [*Passed January 4; published January 9, 1737-38.*]

Limitation.

## CHAPTER 18.

AN ACT IN ADDITION TO THE SEVERAL ACTS RELATING TO THE ADMEASUREMENT OF BOARDS, PLANK AND TIMBER, AND FOR REGULATING THE TALE AND ASSIZE OF SHINGLES, AND ALSO FOR REGULATING THE TALE AND ASSIZE OF CLAPBOARDS.

Preamble.  
1727, chap. 7.

FORASMUCH as there is great fraud and injustice practised by several ill-minded persons, in the making and packing of shingles and clapboards, notwithstanding the provision made already by the laws of this province for the preventing of the same,—

*Be it enacted by His Excellency the Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

Assize of shingles.

[SECT. 1.] That all shingles that shall be expos[e]d to sale, shall be made of good, sound timber, and of the following dimensions; that is to say, each shingle to bear eighteen inches or fifteen inches in length, according to which of those lengths they are sold for, and not under half an inch thick at the thick end, and well shaved so as to be free from winding, nor under three inches in breadth; and the said shingles, of the different lengths aforesaid, to be made up in distinct bundles.

*And be it further enacted,*

Assize of clapboards.

[SECT. 2.] That all clapboards that shall be expos[e]d to sale, shall be made of good, sound timber, and of the following dimensions; that is to say, full five-eighths of an inch thick, five inches wide, four feet and six inches long; and that they be strait and well shaved.

*And be it further enacted,*

Shingles and clapboards to be surveyed, measured, and marked.

[SECT. 3.] That all shingles and clapboards, before their being sent from the town where they were made, and at the place of sale before their delivery, shall be viewed, surveyed and measured by a sworn surveyor, and shall be by the said surveyor mark'd with the brand of the town, upon the hoop in which the shingles are bundled up, and upon the clapboard on the outside of the bundle; and all such shingles and clapboards as shall be brought to the market[t], either by water or by land carriage, and offered to sale, unless they be first surveyed and marked as aforesaid, shall be forfeited; and if any master of any ship or vessel[1] shall receive on board any shingles or clapboards which shall not be viewed and mark[e]d as aforesaid, he shall forfeit and pay for every thousand of shingles so unduly received, forty shillings, and for every thousand of clapboards, ten pounds, to be recovered and disposed of as is hereafter directed by this act.

*And be it enacted by the authority aforesaid,*

Merchantable shingles.

[SECT. 4.] That every bundle of shingles that, according to the sound judgment of the surveyor, will hold out, one with another, four inches and an half in breadth, shall be accounted merchantable: *provided*, they are fifteen or eighteen inches in length (according to which of those lengths they are sold for), and the least to be three inches in width and full half an inch in thickness; and all shingles and clapboards that are not according to the direction of this act, to be called out and burned; and what shingles and clapboards in the bundle that are good and merchantable, where the defective ones are found, shall be delivered to the selectmen or overseers of the poor of said town, to be dispos[e]d of for the use of the poor of the town where the said shingles or clapboards shall be offered to be sold or ship'd off; the surveyor first paying himself for his said service out of the produce of the same, as is in and by this act provided.

Defective shingles and clapboards to be culled out and burned. The rest to be for the use of the poor.

*And be it further enacted,*

[SECT. 5.] That the surveyor[u]r for his service shall be paid by the Surveyor's fee. buyer sixpence per thousand for surveying and telling shingles, and eighteen-pence per thousand for viewing and surveying clapboards. And the justices of the peace within the several counties of this province, at their general sessions to be holden next after the publication of this act, shall appoint surveyor[u]rs of shingles and clapboards in the several towns within such county where they are made or expos[c]ed to sale, and so from time to time annually, and where the respective towns have not chosen such surveyors; and that whosoever being How surveyors shall be appointed. legally chosen a surveyor[u]r shall refuse to serve, he shall forfeit and pay the sum of forty shillings, to be disposed of [*for*] [to] the use of the poor of the town where such person shall be chosen. And all fines arising by the breach of this act, to be recovered in any of his majesty's courts of record in this province, shall be one half to the informer or him that shall sue for the same, and the other half to the poor of the town where the offence shall be committed. Penalty for not serving.

[SECT. 6.] This act to take place the first day of January next, and to continue for the space of five years, and to the end of the session of the general assembly next after. [*Passed January 4; published January 9, 1737-38.*] Limitation.

## CHAPTER 19.

### AN ACT FOR REGULATING THE ASSIZE OF STAVES.

WHEREAS great complaint has been made of the insufficiency and undue assize of the staves exported from this province, whereby the said commodity is brought into disrepute abroad, and y[c]i[e]lds not the price, nor is vended there in such quantities, as otherwise it would,— Preamble.

*Be it therefore enacted by His Excellency the Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

[SECT. 1.] That from and after the last day of March next, all pipe-, hogshead- and barrel-staves that shall be exported from any of the towns of this province, shall contain and hold out the following dimensions; vizt., all pipe-staves shall be four feet and [and] eight inches in length, three inches broad, clear of sap, and half an inch thick; and all white-oak hogshead-staves shall be three feet and an half in length, three inches broad, and clear of sap, and three-quarters of an inch thick; and all red-oak hogshead-staves shall be three feet and an half in length, three inches broad, and three-quarters of an inch thick; and all barrel-staves shall be thirty inches in length, three inches broad, clear of sap, and three-quarters of an inch thick; and all well and proportionably split. Assize of staves.

*And be it further enacted by the authority aforesaid,*

[SECT. 2.] That in each maritime town, within this province, from whence staves are usually exported beyond sea, there be two or more suitable persons annually elected by such towns, at their anniversary meeting for the choice of town officers, to be viewers and cullers of staves, who shall be sworn, in manner with other town officers, faithfully to discharge the duty of their office: and who shall refuse and cast by all such staves as they judge not merchantable, as well in respect of worm-holes as undue assize; and who shall be allowed for their time and service therein, after the following rates: vizt., for every thousand of pipe-staves five shillings, and for every thousand of hogs- Cullers of staves to be chosen. Their allowance.

head-staves four shillings, and for every thousand of barrel-staves three shillings, as well refuse as merchantable, to be paid by the person buying the same.

*And be it further enacted,*

Staves not  
culled to be  
forfeited.

[SECT. 3.] That if any merchant or other person shall, after the last day of March as aforesaid, cause to be put on board any ship or vessel[1] to be transported beyond sea, any parcel[1] of staves that shall not be surveyed, culled and approv[e]d as aforesaid, and certified under the hand of one of the said viewers, he shall forfeit the same whole parcel[1], or the value thereof; and if any master of any ship or vessel[1] after the time aforesaid, shall receive on board any staves which shall not be surveyed and certified as aforesaid, such master shall forfeit and pay the sum of ten pounds for every thousand of staves so unduly received.

Penalty for  
masters of ves-  
sels taking  
staves not  
culled.

*Provided, always,*

Proviso.

[SECT. 4.] That it shall and may be lawful[1] for any person to cause to be cut and transported any parcel[1] or parcel[1]s of staves, for Pitchard cask, or other of any particular assize: *provided*, the same be carried in distinct parcel[1]s and not intermixed with those of the assize in this act beforementioned.

Disposition of  
the fines.

*And it is further enacted by the authority aforesaid,*

[SECT. 5.] That all fines, penalties and forfeitures arising by force and virtue of this act, shall be one half to the use of the poor of the town where the offence shall be discovered, and the other half to him or them that shall inform and sue for the same in any of his majesty's courts of record within this province.

Continuance of  
the act.

[SECT. 6.] This act to take place the last day of March next, and to continue for the space of five years, and to the end of the session of the general assembly next after. [*Passed January 4; published January 9, 1737–38.*]

## CHAPTER 20.

AN ACT TO IMPOWER THE JUSTICES OF HIS MAJESTY'S SEVERAL COURTS OF JUDICATURE TO CAUSE WARRANTS TO BE ISSUED OUT FOR THE APPOINTMENT OF PETIT JURORS DURING THE SITTING OF THE SAID COURTS.

Preamble.

WHEREAS it frequently happens that many of the jurors chosen to serve in the several courts of judicature within this province, before the sitting of the said courts, do, for sundry reasons or pretences, fail in their attendance there, insomuch that by means of such failure, and also of the lawful challenges which are made to several of those jurors which do attend, there sometimes happens to be so great a deficiency of unexceptionable jurymen to serve upon the trial[1]s of sundry actions depending in the said courts, as that the same cannot without manifest danger to one or other of the partys in such actions, be supplied *de talibus circumstantibus*; for remedy hereof,—

*Be it enacted by His Excellency the Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

Justices of the  
courts empow-  
ered to issue  
warrants for  
choosing jurors  
while the courts  
are sitting.

[SECT. 1.] That from and after the publication of this act, it shall and may be lawful for the justices of every of the aforesaid courts, now or hereafter sitting, when and as often as they shall judge there is occasion for so doing, at any time during the sitting of their respective courts, to cause new writ[t]s of *venire facias* to be forthwith issued out and directed to the constables of the several towns within the county

for and within which such court is held, for the appointment and return of so many good and lawful men, to serve upon the jury at the said court, as shall be directed in the said writ[t]; which jurors shall be forthwith appointed and returned in such manner as is provided and directed in and by an act of this province pass'd in the tenth year of his present majesty's reign, entit[u]led, "An act for the regular appointment of petit jurors"; and being duly notify'd, summon'd and return'd to the justices of the said court, they shall be and hereby are obliged to attend there, under such penalty as is provided by the act before referred to for the non-appearance of jurors.

1736-37, chap. 10.

[SECT. 2.] This act to continue and be in force until the expiration of the act above referred to, and no longer. *[Passed January 4; published January 9, 1737-38.]* Limitation.

## CHAPTER 21.

### AN ACT FOR DIVIDING THE TOWN OF WATERTOWN AND ERECTING A NEW TOWN THERE BY THE NAME OF WALTHAM.

WHEREAS the inhabitants of the westerly precinct in Watertown, within the county of Middlesex, by reason of great difficulties they labour under, have address'd this court that they may be set off a distinct and separte township, whereunto the inhabitants of the east precinct in said town have manifested their consent,— Preamble.

*Be it therefore enacted by His Excellency the Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

[SECT. 1.] That all those lands in Watertown aforesaid, lying westward of that line, sometime since settled by this court, as the dividing line between the said east and west precincts; vizt., beginning at Charles River, and [so] to be extended north-eastward, so as to run on the east side of the house of Caleb Ward; and on the same course, being a right line, to run on the west side of Thomas Straight's house; and thence to continue a strait line through said Watertown, till it intersect their north bounds; be and hereby are set off and constituted a separte township by the name of Waltham.

A new town set off from Watertown, by the name of Waltham.

Bounds of the town.

[SECT. 2.] And that the inhabitants thereof be and hereby are vested with all those powers, privileges and immunities that the inhabitants of other towns within this province by law are or ought to be vested with.

*And be it further enacted,*

[SECT. 3.] That all such votes and agreements as have been made and entred into by the two precincts in Watertown, as the conditions of their consent to a division of the said town into two townships, be and hereby are ratified and confirmed to all intents and purposes whatsoever. *[Passed January 4; published January 9, 1737-38.]*

Votes relating to the division of Watertown confirmed.

## CHAPTER 22.

### AN ACT TO PREVENT THE SPREADING OF INFECTIOUS SICKNESS WITHIN THE ISLAND OF MARTHA'S VINEYARD.

WHEREAS the island of Martha's Vineyard is so situated as that vessels, in and outward bound, often stop there for the conveniency of pilotage and other causes, and thereby is exposed to the infection of

Preamble.



the small-pox and other malignant distempers, which when once taken, there ensues great danger of their spreading into the several parts of the island; for preventing whereof,—

*Be it enacted by His Excellency the Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

Penalty for passing from infected places without license.

[SECT. 1.] That from and after the publication of this act, when the small-pox, or other infectious, malignant distemper, is in more famil[ie][y]s than one, in any town within said island, that in such case no person or persons inhabiting within half a mile, or that have, within forty-eight hours, been so near any infected house, shall presume to pass into any other town or place not infected, without leave or license first had under the hands either of one of his majesty's justices of the peace, residing in such infected town, or of two of the selectmen of said town, under the penalty of twenty pounds for every such offence, to be recovered by bill, plaint or information, in any of his majesty's courts of record proper to try the same.

*And be it further enacted by the authority aforesaid,*

Penalty for passing to infected places without license.

[SECT. 2.] That no person or persons dwelling in any town, on said island, free from infection, shall presume to pass into any infected house, or within half a mile thereof, without license first had and obtained from under the hands of one or more of his majesty's justices, dwelling in the place from whence they come, or two of the selectmen of said town, under the penalty of twenty pounds for every such offence, to be recovered in manner as aforesaid; the fines arising by this act, to be one moiety to and for the use of the poor of the town that is in danger of being infected, and the other half to him or them that shall inform or sue for the same.

Limitation.

[SECT. 3.] This act to continue and be in force for the space of three years from the publication thereof, and no longer. [*Passed and published January 16, 1737-38.*]

## CHAPTER 23.

### AN ACT FOR ENCOURAGING THE MAKING OF LINSEED OYL[E] IN THE COUNTY OF HAMPSHIRE.

Preamble.

WHEREAS, at great cost and charge, a linseed oyl[e] mill has been erected and finished in the township of Hatfield, in the county of Hampshire, which Timothy Dwight of Northampton, esquire, Israel Williams, esquire, and John Fitch, yeoman, both of Hatfield, and all in the said county of Hampshire, intend to improve in making of linseed oyl[e] which will be of great advantage to the publick,—

*Be it therefore enacted by His Excellency the Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

Timothy Dwight and Israel Williams, Esqs., & John Fitch to have the sole privilege of making linseed oil in the county of Hampshire for ten years.

[SECT. 1.] That the said Timothy Dwight, Israel Williams and John Fitch, their heirs, executors, administrators and assigns, shall have the sole use, privilege and advantage of making linseed oyl[e] within the said county, for and during the full term of ten years from and after the publishing this act, they keeping the same in use for the accommodation of the inhabitants of the said county of Hampshire, when and [so] [as] often as desired; and all other persons whomsoever are hereby strictly prohibited from erecting any mill or mills for the making of linseed oyl[e] within the said county of Hampshire, for and during the said term of ten years, under the penalty of five hundred

pounds, to be recovered by the said Timothy Dwight, Israel Williams and John Fitch, their heirs, executors, administrators or assigns, by bill, plaint or information, in any of his majesty's courts of record, for every such mill as shall be built and improved for making linseed oyl[c] contrary to this act.

*Provided, nevertheless,*

[SECT. 2.] That if the said Timothy Dwight, Israel Williams and John Fitch, their heirs, executors, administrators or assigns, shall discontinue the use of the said mill, and the court of general sessions of the peace for the county of Hampshire, shall, upon complaint thereof made, issue out a warrant (which they are hereby enjoined to do) directed to the sheriff of the said county, requiring him to summon a jury of good and lawful men within his precinct, and cause them to be sworn before one of his majesty's justices of the peace within and for the said county of Hampshire, to enquire into the truth of the matters complained of; and in case the said Timothy Dwight, Israel Williams and John Fitch, their executors, administrators or assigns, shall be convicted of any unreasonable or unnecessary delay or discontinuance of the use of the said mill, by the jury's return, upon oath, into the said court of general sessions of the peace, then and from thenceforth this act to cease, determine, be utterly void and of none effect, as if the same had not been made. [*Passed January 16, 1737-38.*]

Conditions of  
forfeiting said  
privilege.

## CHAPTER 24.

AN ACT IN ADDITION TO AN ACT, ENTITLED "AN ACT FOR DIRECTING HOW RATES AND TAXES, TO BE GRANTED BY THE GENERAL ASSEMBLY, AS ALSO COUNTY, TOWN AND PRECINCT RATES, SHALL BE ASSESSED AND COLLECTED."

WHEREAS in and by an act made and pass'd by the great and general assembly, in the fourth year of his majesty's reign, it was provided, that when and so often as the treasurer of the province shall send out his warrant of distress against any defective constable, sheriff or undersheriff, the officer executing the same shall distrain and levy the lands or tenements of said defective constable, sheriff or his deputy, for their or any of their defaults in not collecting, or not paying into the treasury, any sum or sums of money which ought to be by them collected, levied and paid in as aforesaid, and cause due apprizement to be made of any houses or lands so levied, by the oath of two or three freeholders in the same county (which oath any justice of the peace is hereby empowered to administer), and after apprizem[en]t to make sale of such houses and lands, and give good and lawful[1] deed or deeds for the same; which apprizement and sale, not being sufficient to secure the province, county or towns where such lands or tenements lye; for remedy whereof,—

*Be it enacted by His Excellency the Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

That when and so often as any warrant of distress shall be sent forth by the treasurer of the province, or treasurer of any county, town or precinct, to the sheriff or his deputy, or to the coroner, to levy the lands or tenements of any defective constable, sheriff or deputy, in such case it shall be lawful[1] for the officer executing such warrant of distress, upon apprizement made as aforesaid, to make sale of such houses and lands to the highest bidder, and give good and lawful[1]

Preamble.  
1730, chap. 1,  
§ 22.

Houses and  
lands, of defect-  
ive constables,  
&c., taken on  
execution, to be  
sold.

deed[s] or deeds for the same, having first given publick notice of time and place of sale, at least thirty days, in the town where such lands or tenements lye, as also in the two adjacent towns; and in case the produce of such houses or lands shall not satisfy the sum or sums mentioned in said warrant or warrants of distress, together with reasonable charges arising thereon, then the treasurer sending forth such warrant, shall issue an *alias* execution or warrant for such remaining sum or sums; and the officer, executing the same, for want of estate, shall take the body of such defective constable, sheriff or deputy, and him commit unto his majesty's goal in the county whereto he belongs, until[1] he shall pay the same. [*Passed January 16, 1737–38.*]

And if not sufficient, the body of such constable, &c., to be taken.

## CHAPTER 25.

AN ACT IN ADDITION TO AN ACT ENTITLED, "AN ACT FOR ERECTING A NEW TOWN WITHIN THE COUNTY OF PL[Y][I]MOUTH, BY THE NAME OF HANOVER."

Preamble.

1727, chap. 14.

WHEREAS in the act entitled, "An act for erecting a new town within the county of Pl[y][i]mouth, by the name of Hanover," there is a saving to the towns of Scituate and Hanover of their interests in the common and undivided lands within the said towns; and *whereas*, the said town of Hanover was taken partly out of the town of Scituate, and partly out of the town of Abington, and the inhabitants of that part of Hanover only, which was before part of the said town of Scituate, have an interest in the said common land with the town of Scituate; and there being some difficulty about the improvement and management of the common and undivided land which lies in the said town of Scituate, and which they have not agreed to make a division of, whose interest therein is not known; vizt., the mowing-ground, flat[t]s, hummock[s] and beach; wherefore for the regular improvement and management of the same,—

*Be it enacted by His Excellency the Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

Inhabitants of Scituate and part of Hanover, their power referring to their common lands.

[SECT. 1.] That the inhabitants of the town of Scituate aforesaid, with that part of the said town of Hanover which was Scituate, be and hereby are impowered to manage, improve, divide and dispose of all the common and undivided mowing-ground, flat[t]s, hummocks and beach aforesaid, which lie in the said town of Scituate, and in and by the name of the town of S[c]ituate, to sue out and eject any person or persons who have already got into, or shall hereafter illegally take possession of, any of the said lands, or prosecute any actions for trespass on the same, and raise any sum or sums of mon[e]y, by way of rate on the inhabitants of the town of Scituate and that part of Hanover aforesaid which was Scituate, and all in the same manner, and as amply and effectually to all intents and purposes, as the town of Scituate might or could have done before the said town of Hanover was set off as aforesaid; and that a regular meeting of the proprietors of said common lands may be had.

*Be it further enacted by the authority aforesaid,*

Method for calling a meeting of said inhabitants.

[SECT. 2.] That when and so often as ten of the inhabitants of Scituate, or that part of said Hanover which was Scituate, are desirous of a meeting about, or anyways concerning, the said common land, or raising mon[e]y for defending [of] the same, or on any other account whatsoever, then and in that case the selectmen of the

town of Scituate aforesaid, upon receiving the signification of the request of the said ten inhabitants, in writing, under their hands, shall give an order or warrant to the constable of the said town of Scituate, directing him to warn a meeting of the inhabitants of the said town of Scituate lawfully qualified to vote in town meetings, to be held at such time and place as the said selectmen shall appoint, giving ten days notice beforehand at the least; and the said constable shall forthwith post up a notification thereof in some publick place in the said town of Scituate and in that part of Hanover which was Scituate; and the inhabitants of the said town of Scituate, and that part of Hanover which was Scituate, be and hereby are impowered at their meetings, after such notice given, to act and do in all respects relating to the said common land in the name of the town of Scituate, as fully, amply and effectually to all intents and purposes in the law, as they might or could have done before the said town of Hanover was set off as aforesaid. *[Passed and published January 16, 1737-38.]* Their power.

NOTES.—This General Court, which assembled May 25, was prorogued, on the fifth of July, to the fourth day of August. After sitting two days the court was next adjourned to Salisbury, to meet on the tenth of the same month; and remained in session there until September 7, when it was adjourned to October 12, and, two days later, to October 17. On the 20th, the court was adjourned to meet on the 24th, at Boston, where, after one day's session, it was adjourned to November 30, and sat thenceforth until January 16, 1737-38, when it was prorogued to April 19, and was dissolved April 21, 1738. The long vacations before October 12 and November 30, together with the fact that the governor delivered to the legislature a special message, in one case, and a speech, in the other, when they convened upon those days, seemed sufficient reasons for regarding them as the beginning of new sessions, especially as the previous adjournment, in each instance, was made upon the sole authority of the governor.

The engrossments of all the acts of this year are preserved; and all, except chapters 13 and 14, were printed with the sessions acts.

Chapters 1 to 14, inclusive, were delivered to the Privy Council, March 3; referred to the committee on plantation affairs, March 8; and, by them, to the Lords of Trade, March 13, 1737-38. They were sent to Mr. Fane, March 24, 1737-38, and he reported "no objection," August 3, 1738. A "representation" by the Lords of Trade followed, June 27, 1739, in which chapters 1, 2, 3, 11, 13, 14 are described as "temporary;" chapters 4, 6, 7, 8, 9, 10, 12, as temporary, to expire upon the dates given in the report; and chapter 5 as perpetual.

Chapters 15 to 25, inclusive, were received by the Privy Council, October 26, 1738; referred to the committee on plantations, November 30; to the Lords of Trade, December 1; to Mr. Fane, December 15; who reported "no objection," &c., January 9, 1738-39. The representation of the Lords of Trade, upon these acts, was made July 9, 1741.

The orders in council embracing these acts bear date August 2, 1739, and August 4, 1741, respectively. The former did not, in terms, confirm any act; but the latter specially confirmed chapters 16, 18, 19, 21, 23, 24 and 25.

*Chap. 5.* "The two last mentioned Acts relating to the Emission of Bills of Credit of a new Tenour (whereby one of the new Bills is made equal in value to three of the old ones of the same denomination) are not agreeable to His Majesty's Instructions to the present Governor of that Province, but considering they are Temporary and have, in part already had their effect and will both expire in 1741, and considering also that we have by our Report of April 11<sup>th</sup> 1739 laid before His Majesty the sentiments of the British Merchants trading to New England relating to the state of the Paper Currency in that Province together with the methods proposed for the reduction of the old Bills and establishing new ones upon a better foundation for the future, We shall not at present propose the repeal of these Laws to your Lordships."—"Representation" of Lords of Trade, June 27, 1739.





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ACTS,  
PASSED 1738-39.

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# ACTS

PASSED AT THE SESSION BEGUN AND HELD AT BOSTON  
ON THE THIRTY-FIRST DAY OF MAY, A.D. 1738.

## CHAPTER 1.

AN ACT FOR SUPPLYING THE TREASURY WITH THE SUM OF SIX THOUSAND POUNDS IN BILLS OF CREDIT OF THE NEW TENOR, FOR DISCHARGING THE PUBLICK DEBTS, &c.; AND FOR ESTABLISHING THE WAGES OF SUNDRY PERSONS, &c., IN THE SERVICE OF THE PROVINCE, AND FOR THE DRAWING IN OF THE SAID BILLS INTO THE TREASURY AGAIN; AND FOR STATING THE PROPORTION BETWEEN THE BILLS OF THE OLD AND NEW TENOR[U]R IN ALL PUBLICK AND PRIVATE PAYMENTS.

*Be it enacted by His Excellency the Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

[SECT. 1.] That the wages of the captain of Castle William shall be after the rate of four pounds four shillings and eightpence per month, from May the twenty-first, one thousand seven hundred and thirty-eight, to the twentieth of November, one thousand seven hundred and thirty-eight; of the lieutenant, for that term, two pounds eleven shillings and fourpence per month; of the chapl[a]in, two pounds one shilling per month; of the gunner, one pound ten shillings and ninepence per month; of the gunner's mate, one pound six shillings and eightpence per month; of the serjeant, seventeen shillings and tenpence per month; of six quarter-gunners, each seventeen shillings and tenpence per month; of three corporals, each sixteen shillings per month; of a drummer, sixteen shillings per month; of thirty centinels, each thirteen shillings and fourpence per month: for their subsistence, five shillings and tenpence per week each man.

Establishment  
of wages for the  
garrison at  
Castle William.

*And be it further enacted by the authority aforesaid,*

[SECT. 2.] That the wages of the captain of Richmond Fort, from the twenty-first day of May, one thousand seven hundred and thirty-eight, to the twentieth of November, one thousand seven hundred and thirty-eight, shall be at the rate of one pound six shillings and eightpence per month; and of ten centinels, each thirteen shillings and fourpence per month; of one interpreter, two pounds per month; of one armourer, two pounds per month; one truck-master, at forty pounds per annum; and for the chaplain there, thirty-three pounds six shillings and eightpence per annum.

Richmond Fort.

*And be it further enacted by the authority aforesaid,*

[SECT. 3.] That the wages of the captain of the truck-house on George's River, from the twenty-first of May, one thousand seven hundred and thirty-eight, to the twentieth of November, one thousand seven hundred and thirty-eight, shall be at the rate of one pound six

Truck-house at  
George's River.

shillings and eightpence per month; of one lieutenant, seventeen shillings and tenpence per month; of one serjeant, seventeen shillings and tenpence per month; of two corporals, each sixteen shillings per month; of sixteen centinels, each thirteen shillings and fourpence per month; of one armourer, two pounds per month; of one interpreter, two pounds per month; of one truck-master, after the rate of forty pounds per annum; and to the chaplain there, after the rate of thirty-three pounds six shillings and eightpence per annum.

*And be it further enacted by the authority aforesaid,*

Brunswick  
Fort.

[SECT. 4.] That the wages of the commanding officer of the fort at Brunswick, from the twenty-first of May, one thousand seven hundred and thirty-eight, to the twentieth of November, one thousand seven hundred and thirty-eight, shall be seventeen shillings and tenpence per month; of six centinels, each thirteen shillings and fourpence per month.

*And be it further enacted by the authority aforesaid,*

Block-house  
above North-  
field.

[SECT. 5.] That the wages of the captain of the truck-house above Northfield, from the twenty-first of May, one thousand seven hundred and thirty-eight, to the twentieth of November, one thousand seven hundred and thirty-eight, shall be at the rate of one pound six shillings and eightpence per month; of one lieutenant, seventeen shillings and tenpence per month; of one serjeant, seventeen shillings and tenpence per month; of one corporal, sixteen shillings per month; of sixteen centinels, each thirteen shillings and fourpence per month; the truck-master, at the rate of thirty-three pounds six shillings and eightpence per annum; of the chaplain there, at the rate of thirty-three pounds six shillings and eightpence per annum; and that there be allowed for the subsistence of each man, three shillings and fourpence per week.

*And be it further enacted by the authority aforesaid,*

Truck-house at  
Saco River.

[SECT. 6.] That the wages of the captain of the truck-house at Saco, from the twenty-first of May, one thousand seven hundred and thirty-eight, to the twentieth of November, one thousand seven hundred and thirty-eight, shall be at the rate of one pound six shillings and eightpence per month; of one lieutenant, seventeen shillings and tenpence per month; of one corporal, sixteen shillings per month; of thirteen centinels, each thirteen shillings and fourpence per month; of one interpreter, two pounds per month; of one armourer, two pounds per month; of the truckmaster, at the rate of forty pounds per annum.

*And be it further enacted by the authority aforesaid,*

Sloop in the  
country's ser-  
vice.

[SECT. 7.] That the wages of the captain of the sloop in the country's service, from the twenty-first of May, one thousand seven hundred and thirty-eight, to the twentieth of November, one thousand seven hundred and thirty-eight, shall be at the rate of two pounds per month; of the mate, one pound six shillings and eightpence per month; of the sailors, at twenty shillings per month each; for the sloop, six pounds thirteen shillings and fourpence per month.

*And be it further enacted by the authority aforesaid,*

Oath to be made  
to the muster-  
roll.

[SECT. 8.] That before payment of any muster-roll be allowed, oath be made by the officer or person presenting such roll, that the officers and soldiers borne on said roll, have been in actual service for the whole time they stand entered thereon.

*And be it further enacted by the authority aforesaid,*

£6,000 bills of  
the new tenor  
to be emitted.

[SECT. 9.] That the treasurer be and hereby is impowered and ordered to issue forth and emit the said sum of six thousand pounds in bills of credit of the new tenor, now lying in his hands, and received for taxes, &c., for the necessary support and defence of the government, and for the protection and preservation of the inhabitants thereof; vizt., the sum of one thousand three hundred and thirty-four pounds

£1,334 1s. 10d.

one shilling and tenpence, part of the aforesaid sum of six thousand pounds, to be applied to pay the wages that now are, or that hereafter may be due by virtue of the establishment of Castle William, Richmond Fort, George's Truck-House, Saco Truck-House, Brunswick Fort, the block-house above Northfield and the sloop in the country's service; and three thousand five hundred and seventy-one pounds eighteen shillings and twopence more, part of the aforesaid sum of six thousand pounds, shall be applied for the payment of such grants as are or shall be made by this court, and for the payment of stipends, bount[ies] and premiums established by law, and for the payment of all other matters and things which this court have or shall, either by law or orders, provide for the payment of out of the public treasury, and for no other purpose whatsoever; and the sum of one thousand and eleven pounds, part of the said sum of six thousand pounds, shall be applied for the discharge of other debts owing from this province to persons who have served, or shall serve, them by order of this court, in such matters and things where there is no establishment, nor any certain sum assigned for such service; and for paper, printing and writing for this court; the expences of committees of council, or of the house, or of both houses; entertainment of Indians, and presents made them by this court; the surgeons for Castle William, and wooding of said castle.

appropriated  
for garrisons,  
&c.

£2,571 18s. 2d.  
for the payment  
of grants, &c.

£1,011 for dis-  
charging other  
debts.

*And whereas* there are sometimes publick entertainments, and from time to time contingent and unforeseen charges that demand prompt payment.—

*Be it further enacted,*

[SECT. 10.] That eighty-three pounds, part of the aforesaid sum of six thousand pounds, be applied to defray and pay such entertainments and contingent charges, and for no other use whatsoever.

£83 for contin-  
gent charges.

*And be it further enacted by the authority aforesaid,*

[SECT. 11.] That if there be a surplusage in any sum appropriated, such surplusage shall lye in the treasury for the further order of this court.

Surplusage to  
lie for further  
order.

*And be it further enacted by the authority aforesaid,*

[SECT. 12.] That each and every warrant for drawing money out of the treasury, shall direct the treasurer to take the same out of such sums as are respectively appropriated for the payment of such publick debts as the draughts are made to discharge; and the treasurer is hereby directed and ordered to pay such money out of such appropriations as directed to, and no other, upon pain of refunding all such sum or sums as he shall otherwise pay; and to keep exact and distinct accompts of all payments made out of such appropriated sums; and that the secretary, to whom it belongs to keep the muster-rolls and accompts of charge, be directed to lay before the house, all such muster-rolls and accompts, when desired, after payment thereof.

Warrants to  
express the  
appropriation.

*And be it further enacted by the authority aforesaid,*

[SECT. 13.] That as a fund and security for the drawing in and re-payment of the said bills into the publick treasury, and to no other use and purpose whatsoever, there be and hereby is granted unto his most excellent majesty, a tax of six thousand pounds, to be levied on polls, and estates both real and personal, and by no other way, within this province; and that each town and district be assessed and pay as such town's and district's proportion of the aforesaid sum of six thousand pounds, the sum affixed to such towns, respectively, as follows; that is to say,—

Fund of £6,000  
in a tax appro-  
portioned on the  
towns.

#### IN THE COUNTY OF SUFFOLK.

Boston, one thousand and thirty-nine pounds ten shillings, . . . . . £1,039 10s. 0d.



Roxbury, fifty-two pounds six shillings, . . .	£52	6s.	0d.
Dorchester, fifty-one pounds ten shillings, . . .	51	10	0
Milton, twenty-five pounds one shilling and sixpence, . . .	25	1	6
Brantrey, forty-nine pounds and sixpence, . . .	49	0	6
Weymouth, thirty-three pounds eight shillings, . . .	33	8	0
Hingham, fifty-six pounds sixteen shillings, . . .	56	16	0
Dedham, thirty-nine pounds fourteen shillings and sixpence, . . .	39	14	6
Medfield, twenty-five pounds eight shillings and sixpence, . . .	25	8	6
Wrentham, thirty-seven pounds twelve shillings and sixpence, . . .	37	12	6
Medway, eighteen pounds five shillings and sixpence, . . .	18	5	6
Stoughton, twenty-nine pounds sixteen shillings and sixpence, . . .	29	16	6
Hull, ten pounds eleven shillings and sixpence, . . .	10	11	6
Brook[i][y]u, nineteen pounds thirteen shillings, . . .	19	13	0
Needham, twenty-two pounds five shillings and sixpence, . . .	22	5	6
Bellingham, ten pounds eighteen shillings, . . .	10	18	0
Walpole, ten pounds seven shillings and sixpence, . . .	10	7	6
	£1,532	5s.	0d.

## IN THE COUNTY OF ESSEX.

Salem, one hundred and seventy-two pounds ten shillings, . . .	£172	10s.	0d.
Ipswich, one hundred and sixty-nine pounds, . . .	169	0	0
Newbury, one hundred and forty-one pounds fifteen shillings, . . .	141	15	0
Marblehead, one hundred and twenty pounds, . . .	120	0	0
Lynn, fifty-seven pounds ten shillings and sixpence, . . .	57	10	6
Andover, sixty-nine pounds fifteen shillings and sixpence, . . .	69	15	6
Beverly, forty-six pounds seventeen shillings and sixpence, . . .	46	17	6
Rowley, forty-five pounds ten shillings, . . .	45	10	0
Salisbury, fifty-three pounds, . . .	53	0	0
Haverhill, fifty-six pounds six shillings and sixpence, . . .	56	6	6
Gloicester, seventy-eight pounds ten shillings and sixpence, . . .	78	10	6
Topsfield, twenty-one pounds fifteen shillings and sixpence, . . .	21	15	6
Boxford, twenty-seven pounds eight shillings, . . .	27	8	0
Almsbury, forty-seven pounds, . . .	47	0	0
Bradford, twenty-five pounds ten shillings and sixpence, . . .	25	10	6
Wenham, twenty pounds eight shillings and sixpence, . . .	20	8	6
Manchester, seventeen pounds two shillings, . . .	17	2	0
Methuen, eighteen pounds five shillings, . . .	18	5	0
Middleton, fifteen pounds fourteen shillings, . . .	15	14	0
Rumford, six pounds, . . .	6	0	0
	£1,209	19s.	0d.

## IN THE COUNTY OF MIDDLESEX.

Cambridge, thirty-nine pounds four shillings and sixpence, . . .	£39	4s.	6d.
Charlestown, one hundred and thirteen pounds three shill[ings] and sixp[ence], . . .	113	3	6

Watertown, twenty-four pounds twelve shillings and eightpence, . . . . .	£24 12s. 8d.
Concord, fifty-four pounds eighteen shillings, . . . . .	54 18 0
Weston, twenty-two pounds six shillings and sixpence, . . . . .	22 6 6
Woburn, forty-two pounds nineteen shillings, . . . . .	42 19 0
Reading, forty pounds sixteen shillings and sixpence, . . . . .	40 16 6
Sudbury, forty-eight pounds nine shillings and sixpence, . . . . .	48 9 6
Marlborough, forty pounds four shillings and sixpence, . . . . .	40 4 6
Lexington, thirty pounds seven shillings and sixpence, . . . . .	30 7 6
Newton, thirty-six pounds seventeen shillings, . . . . .	36 17 0
Malden, thirty-four pounds ten shillings, . . . . .	34 10 0
Chelmsford, twenty-seven pounds thirteen shillings and sixpence, . . . . .	27 13 6
Billerica, twenty-nine pounds fifteen shillings, . . . . .	29 15 0
Sherburn, eighteen pounds one shilling, . . . . .	18 1 0
Holliston, twelve pounds five shillings and sixpence, . . . . .	12 5 6
Groton, thirty-four pounds fifteen shillings and sixpence, . . . . .	34 15 6
Framingham, thirty-five pounds eight shillings and sixpence, . . . . .	35 8 6
Medford, nineteen pounds two shillings, . . . . .	19 2 0
Stow, seventeen pounds one shilling, . . . . .	17 1 0
Dunstable, ten pounds seventeen shillings, . . . . .	10 17 0
Draent, eleven pounds, . . . . .	11 0 0
Stoneham, twelve pounds eleven shillings, . . . . .	12 11 0
Littleton, seventeen pounds fifteen shillings and sixpence, . . . . .	17 15 6
Hopkinton, fifteen pounds, . . . . .	15 0 0
Bedford, thirteen pounds eight shillings and sixpence, . . . . .	13 8 6
Westford, eighteen pounds one shilling, . . . . .	18 1 0
Wilmington, twelve pounds two shillings and sixpence, . . . . .	12 2 6
Nottingham, seven pounds fourteen shillings and sixpence, . . . . .	7 14 6
Tewksbury, nine pounds eighteen shillings and sixpence, . . . . .	9 18 6
Acton, six pounds eleven shillings, . . . . .	6 11 0
Waltham, twenty-one pounds fourteen shillings and fourpence, . . . . .	21 14 4
Townshend, six pounds, . . . . .	6 0 0
Litchfield, four pounds ten shillings, . . . . .	4 10 0

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£889 15s. 0d.

## IN THE COUNTY OF HAMPSHIRE.

Springfield, sixty-five pounds twelve shillings and sixpence, . . . . .	£65 12s. 6d.
Northampton, fifty pounds ten shillings and sixpence, . . . . .	50 10 6
Hadley, thirty-six pounds nine shillings, . . . . .	36 9 0
Hatfield, twenty-seven pounds sixteen shillings, . . . . .	27 16 0
Westfield, thirty-one pounds ten shillings and sixpence, . . . . .	31 10 6
Suffield, twenty-seven pounds twelve shillings and sixpence, . . . . .	27 12 6
Enfield, twenty pounds four shillings, . . . . .	20 4 0
Deerfield, eighteen pounds seven shillings and sixpence, . . . . .	18 7 6
Sunderland, nine pounds twelve shillings and sixpence, . . . . .	9 12 6
Northfield, fifteen pounds, . . . . .	15 0 0
Brimfield, fifteen pounds seven shillings, . . . . .	15 7 0
Somers, nine pounds thirteen shillings and sixpence, . . . . .	9 13 6
Sheffield, twelve pounds, . . . . .	12 0 0

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£339 15s. 6d.

## IN THE COUNTY OF WORCESTER.

Worcester, nineteen pounds ten shillings, . . .	£19 10s. 0d
Lancaster, forty-four pounds ten shillings, . . .	44 10 0
Mendon, twenty-nine pounds six shillings and sixpence, . . .	29 6 6
Woodstock, thirty pounds twelve shillings, . . .	30 12 0
Brookfield, twenty-four pounds eighteen shillings and sixpence, . . .	24 18 6
Southborough, seventeen pounds one shilling, . . .	17 1 0
Leicester, fourteen pounds eleven shillings, . . .	14 11 0
Rutland, nine pounds three shillings and sixpence, . . .	9 3 6
Lunenburg, nine pounds fifteen shillings, . . .	9 15 0
Westborough, seventeen pounds three shillings and sixpence, . . .	17 3 6
Shrewsbury, sixteen pounds seventeen shillings and sixpence, . . .	16 17 6
Oxford, ten pounds ten shillings, . . .	10 10 0
Sutton, twenty pounds eighteen shillings and sixpence, . . .	20 18 6
Uxbridge, fifteen pounds three shillings, . . .	15 3 0
Harvard, twelve pounds two shillings, . . .	12 2 0
Grafton, ten pounds thirteen shillings, . . .	10 13 0
Upton, three pounds six shillings and sixpence, . . .	3 6 6
Dudley, six pounds, . . .	6 0 0

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 £312 1s. 6d.

## IN THE COUNTY OF PLYMOUTH.

Plymouth, fifty-eight pounds six shillings, . . .	£58 6s. 0d.
Plympton, twenty-six pounds four shillings, . . .	26 4 0
Scituate, seventy-four pounds three shillings, . . .	74 3 0
Bridgewater, sixty-seven pounds eleven shillings, . . .	67 11 0
Marshfield, forty-one pounds five shillings and sixpence, . . .	41 5 6
Pembroke, twenty-two pounds one shilling and sixpence, . . .	22 1 6
Duxboro[ugh], twenty-two pounds one shilling and sixpence, . . .	22 1 6
Middleborough, forty-six pounds nine shillings and sixpence, . . .	46 9 6
Rochester, forty-one pounds nineteen shillings and sixpence, . . .	41 19 6
Ab[b]ington, thirteen pounds two shillings, . . .	13 2 0
Kingston, fifteen pounds seven shillings and sixpence, . . .	15 7 6
Han[n]over, eighteen pounds fifteen shillings and sixpence, . . .	18 15 6
Hal[l]ifax, twelve pounds fifteen shillings, . . .	12 15 0

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 £460 1s. 6d.

## IN THE COUNTY OF BARNSTABLE.

Barnstable, sixty-seven pounds eight shillings, . . .	£67 8s. 0d.
Yarmouth, forty-two pounds fifteen shillings and sixpence, . . .	42 15 6
Sandwich, thirty-nine pounds, . . .	39 0 0
Eastham, forty-eight pounds thirteen shillings, . . .	48 13 0
Truro, sixteen pounds four shillings, . . .	16 4 0
Harwich, thirty-one pounds thirteen shillings and sixpence, . . .	31 13 6
Falmouth, twenty-four pounds nineteen shillings and sixpence, . . .	24 19 6
Chatham, eighteen pounds fourteen shillings, . . .	18 14 0
Provincetown, seven pounds fourteen shillings, . . .	7 14 0

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 £297 1s. 6d.

## IN THE COUNTY OF BRISTOL.

Bristol, forty-four pounds eleven shillings, . . . . .	£44 11s. 0d.
Taunton, fifty-five pounds ten shillings and sixpence, . . . . .	55 10 6
Norton, thirty-one pounds seventeen shillings, . . . . .	31 17 0
Easton, ten pounds eight shillings and sixpence, . . . . .	10 8 6
Dartmouth, eighty-six pounds thirteen shillings and sixpence, . . . . .	86 13 6
Dighton, twenty pounds and sixpence, . . . . .	20 0 6
Rehoboth, seventy pounds, . . . . .	70 0 0
Little Compton, forty-three pounds fifteen shillings and sixpence, . . . . .	43 15 6
Swan[s][z]ey, forty-nine pounds ten shillings, . . . . .	49 10 0
Tiverton, twenty-four pounds, . . . . .	24 0 0
Freetown, twenty pounds two shillings, . . . . .	20 2 0
Attleboro[ugh], thirty-six pounds ten shillings and sixpence, . . . . .	36 10 6
Barrington, seventeen pounds, . . . . .	17 0 0
Raynham, eleven pounds fifteen shillings and sixpence, . . . . .	11 15 6
Berkeley, twelve pounds nine shillings and sixpence, . . . . .	12 9 6

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£534 4s. 0d.

## IN THE COUNTY OF YORK.

York, fifty-two pounds eight shillings and sixpence, . . . . .	£52 8s. 6d.
Kittery, sixty-seven pounds twelve shillings, . . . . .	67 12 0
Berwick, thirty-five pounds six shillings, . . . . .	35 6 0
Wells, twenty-nine pounds fourteen shillings, . . . . .	29 14 0
Falmouth, thirty-nine pounds sixteen shillings and sixpence, . . . . .	39 16 6
Biddeford, thirteen pounds five shillings and sixpence, . . . . .	13 5 6
Arundel, twelve pounds seven shillings and sixpence, . . . . .	12 7 6
Scarborough, twenty-four pounds seventeen shillings, . . . . .	24 17 0
North Yarmouth, eight pounds sixteen shillings, . . . . .	8 16 0
Georgetown, six pounds, . . . . .	6 0 0

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£290 3s. 0d.

## IN THE COUNTY OF DUKES COUNTY.

Edgartown, twenty-four pounds, . . . . .	£24 0s. 0d.
Chilmark, twenty-nine pounds eighteen shillings and eightpence, . . . . .	29 18 8
Tisbury, sixteen pounds eleven shillings and fourpence, . . . . .	16 11 4

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£70 10s. 0d.

## IN NANTUCKET COUNTY.

Sherb[o]urn, sixty-four pounds four shillings [ <i>and fourpence</i> ], . . . . .	£64 4s. 0d.
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Suffolk, one thousand five hundred thirty-two pounds five shillings, . . . . .	£1,532 5s. 0d.
Essex, one thousand two hundred and nine pounds nineteen shillings, . . . . .	1,209 19 0
Middlesex, eight hundred eighty-nine pounds fifteen shillings, . . . . .	889 15 0
Hampshire, three hund[red] thirty-nine pounds fifteen shill[s] and sixp[ence], . . . . .	339 15 6
Worcester, three hundred and twelve pounds one shilling and sixp[ence], . . . . .	312 1 6

Plymouth, four hundred sixty pounds one shilling and sixpence,	£460	1s.	6d
Bristol, five hundred thirty-four pounds four shillings,	534	4	0
Barnstable, two hund[red] ninety-seven pounds one shill. and sixpence,	297	1	6
York, two hundred and ninety pounds three shillings,	290	3	0
Dukes County, seventy pounds ten shillings,	70	10	0
Nantucket, sixty-four pounds four shillings,	64	4	0
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	£6,000	0s.	0d.

Rules for as-  
sessing the tax.

*And be it further enacted by the authority aforesaid,*

[SECT. 14.] That the treasurer do, sometime in the month of June, one thousand seven hundred and forty, send out his warrants, directed to the selectmen or assessors of each town or district within this province, requiring them, respectively, to assess the sum hereby set upon such town and district, in manner following; that is to say, to assess all rateable male polls above the age of sixteen years, at one shilling and sixpence per poll (except the governour, lieut[enant]-governour and their families, the president, fellows and students of Harvard College, set[t]led ministers and grammar-school masters, who are hereby exempted as well for being taxed for their polls, as for their estates, being in their own hands and under their actual management and improvement), and other persons, if such there be, who, through age, infirmity or extream poverty, in the judgment of the assessors, are not capable to pay towards publick charges, they may except their polls and so much of their estates as, in their prudence, they shall think fit and judge meet; and all estate, both real and personal, lying within the limits and bounds of such town or district, or next unto the same, not paying elsewhere, in whose hands, tenure, occupation or possession soever the same is or shall be found; also the income or profit which any person or persons (except as before excepted) do or shall receive from any trade, faculty, business or employment whatsoever, and all profits which may or shall arise by money or other estate not particularly otherwise assessed, or commissions of profit in their improvement, according to their understanding and cunning, at one penny on the pound, and to abate or multiply the same, if need be, so as to make up the sum hereby set and ordered for such town or district to pay; and, in making their assessments, to estimate houses and lands at six years income of the yearly rents, in bills of the new tenor, whereat the same may be reasonably set or let for in the place where they lye: *saving* all contracts between landlord and tenant, and where no such contract is, the landlord to reimburse one half of the tax set upon such houses and lands; and to estimate Indian, negro and molatto servants proportionably as other personal estate, according to their sound judgment and discretion: as also to estimate every ox of four years old and upwards, at forty shillings, in bills of the new teno[u]r; every cow of three years old and upwards, at thirty shillings; every horse and mare of three years old and upwards, at forty shillings; every swine of one year old and upwards, at eight shillings; every goat and sheep of one year old and upwards, at three shillings: likewise requiring the assessors to make a fair list of said assessment, set[t]ing forth, in distinct columns against each particular person's name, how much he or she is assessed at for polls, and how much for houses and lands, and how much for personal estate and income by trade or faculty; and the list or lists so perfected and signed by them, or the major part of them, to commit to the collectors, constable or constables of such town or district, and to return a certificate of the name or names of such collec-



tors, constable or constables, together with the sum total to each of them committed, unto himself, sometime before the last day of October then next following.

[SECT. 15.] And the treasurer for the time being, upon the receipt of such certificate, is hereby impowered and ordered to issue forth his warrant to the collector, constable or constables of such town or district, requiring him or them respectively to collect the whole of each respective sum assessed on each particular person before the last day of March then next following; and of the inhabitants of the town of Boston to collect their proportion sometime in the month of January then next following; and to pay in their collection, and issue the accounts of the whole, at or before the last day of May then next following, which will be in the year of our Lord one thousand seven hundred and forty-one.

*And be it further enacted by the authority aforesaid,*

[SECT. 16.] That the assessors of each town and district respectively, in convenient time before their making the assessment, shall give seasonable warning to the inhabitants, in a town meeting, or by posting up notifications in some place or places in such town or district, or otherwise to notify the inhabitants, to give or bring in to the assessors true and perfect lists of their polls and rateable estates; and if any person or persons shall neglect or refuse so to do, or bring in a false list, it shall be lawful to and for the as[sess]ors to assess such person or persons according to their known ability in such town, in their sound judgment and discretion, their due proportion to this tax, as near as they can, agreeable to the rules herein given, under the penalty of twenty shillings for each person that shall be convicted by legal proof, in the judgment of the assessors, of bringing in a false list; the said fines to be for the use of the poor of such town or district where the delinquent lives, to be levied by warrant from the assessors directed to the collector or constables, in manner as is directed for gathering town assessments, and to be paid in to the town treasurer or selectmen for the use aforesaid: *saving* to the party aggrieved, at the judgment of the assessors, in setting forth such fine, liberty of appeal therefrom, to the court of general sessions of the peace within the county, for rel[c]i[c]f, as in case of being overrated; and if any person or persons shall not bring in a list of their estate as aforesaid, to the assessors, he or they so neglecting shall not be admitted to make application to the court of sessions for any abatement of the assessment laid on him.

Notifications to be given of the assessment.

Persons to bring in a list.

Penalty in case of a false list.

[SECT. 17.] And if the party be not convicted of any falseness in the list by him presented, of polls, rateable estate, or income by any trade or faculty, which he doth or shall exercise in gaining by money at interest or otherwise, or other estate not particularly assessed, such list shall be a rule for such person's proportion to the tax, which the assessors may not exceed.

*And forasmuch* as oftentimes sundry persons not belonging to this province, bring considerable trade and merchandize, and by reason that the tax or rate of the town where they come to trade or traffick is finished and delivered to the constable or collectors, and before the next year's assessment are gone out of the province, and so pay nothing towards the support of the government, tho[ugh] in the time of their residing here they reaped considerable gain by trade, and had the protection of the government,—

Preamble.

*Be it further enacted by the authority aforesaid,*

[SECT. 18.] That when any such person or persons shall come and reside in any town of this province, and bring any merchandize, and trade and deal therewith, the assessors of such town are hereby impowered to rate and assess all such persons according to their circum-

Transient traders to be rated.

stances, pursuant to the rules and directions in this act provided, tho' the former rate may have been finished, and the new one not perfected as aforesaid; and the constables or collectors are hereby enjoined to levy and collect all such sums committed unto them, and to pay the same into the town treasury.

*Provided, always,*

Proviso.

[SECT. 19.] That the general court, at their session in May, one thousand seven hundred and forty, may, if they think fit, by an act then to be made, apportion the aforesaid sum of six thousand pounds on the several towns of this province; anything in this act notwithstanding.

*And be it further enacted by the authority aforesaid,*

Tax may be paid in other species besides the bills emitted.

[SECT. 20.] That the inhabitants of this province shall have liberty, if they see fit, to pay the several sums for which they may, respectively, be assessed at, as their proportion of the aforesaid sum of six thousand pounds in bills of publick credit of the new tenor, according to their several denominations, or in bills of the old tenor in proportion of three to one, or in coined silver at six shillings and eightpence per ounce, Troy weight, or in gold coin at the rate of four pounds eighteen shillings per ounce, or in hemp or flax, the hemp to be received by the treasurer at fourpence per pound, and flax at sixpence per pound; which hemp and flax, as soon as conveniently may [be], shall be disposed of by the treasurer to the best advantage, for so much as it will fetch in bills of credit of either tenor, or for silver and gold; and if any loss shall happen by the sale of the aforesaid species, or by any unforeseen accident, such deficiency shall be made good by a tax of the year next following, so as fully and effectually to call in the whole sum of six thousand pounds in said bills hereby ordered to be emitted; and if there be a surplusage, it shall remain a stock in the treasury.

*And be it further enacted by the authority aforesaid,*

Bills outstanding in Dec. 1742, to be paid off in silver and gold.

[SECT. 21.] That if it shall happen that any of the bills of the new teno[u]r and form by this act to be emitted, shall be outstanding and not paid in for taxes, &c., unto the constables or collectors of the publick taxes, or to the treasurer or other receivers of publick dut[ie][y]s, that whosoever shall have any such bills in his hands or possession, may, at any time after the last day of December, which will be in the year of our Lord one thousand seven hundred and forty-two, bring them to the treasurer, and receive in exchange for every six shillings and eightpence of said bills, one ounce of silver or the like value in gold, and proportionably for a greater or lesser sum; and the treasurer is hereby ordered to exchange them accordingly.

Preamble.

*And forasmuch* as this government have of late, do now, and may hereafter emit province bills of a new teno[u]r which they have ordered to pass in publick payments with province bills of the old teno[u]r, in proportion as one pound for three, which may prove very inconvenient, unless the bills of those several teno[u]rs may pass in the same proportion in discharge of private debts contracted between man and man,—

*Be it therefore enacted by the authority aforesaid,*

[SECT. 22.] That all publick and private debts whatsoever, which may be paid and discharged in and by province bills of the old teno[u]r, may and shall be discharged by the province bills of the new teno[u]r, in proportion as one to three; that is to say, that a debt of twenty shillings, dischargeable in bills of the old teno[u]r, may and shall be discharged by six shillings and eightpence in bills of the new teno[u]r, or by one ounce of silver; and so *vice versa*, that a debt contracted for the payment of six shillings and eightpence in bills of the new teno[u]r, may and shall be discharged by twenty shillings in bills of the

old teno[u]r, or by one ounce of silver; and so *pro rat[a]*[o], for a greater or lesser sum. [*Passed June 29; published June 30.*]

## CHAPTER 2.

AN ACT FOR GRANTING THE SUM OF TWELVE HUNDRED POUNDS, IN BILLS OF CREDIT OF THE NEW TENO[U]R, FOR THE SUPPORT OF HIS MAJESTY'S GOVERNOUR.

*Be it enacted by His Excellency the Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

[SECT. 1.] That the sum of twelve hundred pounds in bills of publick credit on this province, of the new teno[u]r, be and hereby is granted unto his most excellent majesty, to be paid out of the publick treasury to his excellency, Jonathan Belcher, Esqr., captain-general and governour-in-ch[e]i[f] in and over his majesty's province of the Massachusetts Bay, to enable him to go on in managing the publick affairs.

£1,200 granted for the govern-  
or's support.

*And be it further enacted,*

[SECT. 2.] That there be and hereby is granted unto his most excellent majesty, as a fund and security for drawing in the said bills by this act ordered to be emitted, a tax of twelve hundred pounds, to be levied on polls, and estates both real and personal, within this province, according to such rules and directions, and in such proportion, upon the several towns and districts within the same, as shall be agreed on and ordered by the great and general court at their session in May, one thousand seven hundred and forty-one, and paid into the publick treasury on or before the last day of December next after. [*Passed June 24; published June 27.*]

Fund.

## CHAPTER 3.

AN ACT FOR THE PAYMENT OF THE MEMBERS OF HIS MAJESTY'S COUNCIL, AND THE REPRESENTATIVES SERVING IN THE GENERAL COURT.

WHEREAS the members of his majesty's council, and the representatives serving in the general court, are necessarily exposed to considerable expence in travelling to and from the place where the court is holden, as well as during the time of their actual attendance on the publick service,—

Preamble.

1737-38, chap. 3.

*Be it enacted by His Excellency the Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

[SECT. 1.] That from the beginning of the present session of this court, unto the end of the several sessions thereof, until[1] May next, each member of the council shall be entitled to five shillings *per diem*, in bills of credit of the new teno[u]r and form, now lying in the treasurer's hands, to be paid out of the publick treasury by warrant, according to the direction of the royal charter, upon certificate, given by the secretary, of the number of days of such member's attendance and travel to and from the court; twenty miles to be accounted a day's travel.

Allowance to the members of the council, for attendance &c.

£1,600 granted  
for the payment  
of the repre-  
sentatives.

*And be it further enacted by the authority aforesaid,*

[SECT. 2.] That the treasurer of the province be and hereby is directed and impowered to issue, upon warrant as aforesaid, the sum of sixteen hundred pounds in bills of credit of the new teno[u]r and form, now lying in the treasurer's hands as aforesaid, for the payment of the representatives serving in the general court during the aforesaid term, who shall be paid each three shillings and fourpence *per diem*, as aforesaid, upon certificate given by the clerk of the house of representatives, of the number of days of such member's attendance and travel to and from the court, twenty miles to be accounted a day's travel.

And, for a fund and security for drawing in such sum or sums as shall be paid out to the representatives of the several towns in manner as aforesaid,—

*Be it enacted by the authority aforesaid,*

Fund.

[SECT. 3.] That there be and hereby is granted unto his most excellent majesty, a tax of such sum or sums as shall be paid to the several representatives as aforesaid, to be levied and assessed on the polls and estates of the inhabitants of the several towns, according to what their respective representatives shall so receive, which sums shall be set on the said towns in the next province tax; and the assessors of the said towns shall make their assessment for this tax, and apportion the same according to the rule that shall be prescribed by act of the general assembly for assessing the next province tax; and the constables in their respective districts shall pay in the same when they pay in the province tax for the next year, of which the treasurer is hereby directed to keep a distinct and separate account; and if there be any surplusage the same shall lye in the hands of the treasurer for the further order of [*the*] [*this*] court. [*Passed June 24; published June 27.*]

## CHAPTER 4.

AN ACT FOR PREVENTING UNNECESSARY EXPENCE OF TIME IN THE ATTENDANCE OF PETIT JURORS ON THE SEVERAL COURTS OF JUSTICE, AND FOR ENLARGING THEIR FEES, AND THE ALLOWANCE TO WITNESSES, IN CIVIL CAUSES, AND THE PARTIES RECOVERING JUDGMENT.

Preamble.

1732-53, chap. 6.

WHEREAS the fee already allowed by law to the petit jury for each verdict is thirteen shillings, and the allowance to witnesses in civil causes, for their attendance, travel and expences, is but two shillings *per diem*, which allowances are so small that the same will by no means defray their charges; and inasmuch as jurors are oftentimes detained at the tryal and hearing of cases which do not come to them by reason of the agreement of the parties, abatem[en]t of the writ, or that the plaintiff or appellant for some failure discontinues his suit, or becomes nonsuit; and frequently (especially in the inferior courts of common pleas) judgm[en]t is entred up against the defendants by default, by means whereof great part of the jur[y]'s time is unnecessarily taken up, for which they have no allowance by law, and yet are obliged to give their attendance during the whole time of the court's sitting, until[1] the actions are gone though and finished; wherefore,—

*Be it enacted by His Excellency the Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

Fee for petit  
jurors.

[SECT. 1.] That the fee or allowance to be paid to the petit jury be henceforward twenty-five shillings for each verdict, as well in criminal

as in civil causes, whereof three shillings shall be to the foreman, and two shillings ap[c]i[e]ce to the other jurors; and that in the court of general sessions of the peace, and in the inferior court of common pleas, to be held in the county of Suffolk, the petit jurors shall not be obliged to give their attendance before the second Tuesday of the court's sitting; and in the counties of Essex, Middlesex, Hampshire, Worcester, Pl[y][i]mouth, Barnstable, Bristol, York and Dukes County, in the inferior courts of common pleas and courts of general sessions of the peace to be there held, the petit jurors shall not be obliged to give their attendance till the second day of the court's sitting; to the end that the said court may proceed upon and determine all pleas in bar[r] and abatem[en]t of writ[t]s, and all such actions as will not be committed to the jury, so that their time and attendance be not unnecessarily taken up and delayed; and the clerks of the respective courts aforesaid, are hereby ordered and directed, in making out writs of *venire facias* for the choice of petit jurors, to give directions accordingly.

Time of jurors' attendance at the respective courts, &c.

*And be it further enacted by the authority aforesaid,*

[SECT. 2.] That no action be entred after the first day of the court's sitting, and that all pleas in bar and abatement arising on the writ, be either entred thereon, or filed with the clerk of the court before the jury be impanelled; and that if the defendant in any action suffer a default, and shall afterwards come into court and move for a tryal of his case, and be admitted thereto and make pleas in bar or abatement of the writ, before he be allowed to make such pleas he shall pay to the clerk, for the use of the jurors attending such court, twelve shillings and sixpence, to be divided among them in the aforesaid proportions.

No action to be entered after the first day of the court's sitting.

Pleas in bar or abatement when to be entered or filed.

Pleas in bar, &c., after default.

*And be it further enacted by the authority aforesaid,*

[SECT. 3.] That witnesses in civil causes shall be allowed and paid by the party serving them with *subpoena*, the sum of four shillings *per diem* each, which shall be accounted due satisfaction to any witness for his travel, expences and attendance, accounting ten miles travel to a day, and two shillings *per diem*, to be accounted as aforesaid, shall be allowed the party in whose favour judgm[en]t shall be obtained.

Allowance to witnesses.

[SECT. 4.] This act to continue [*and be*] in force for the space of three years from the publication thereof. [*Passed June 24; published June 27.*]

Limitation.

## CHAPTER 5.

AN ACT FOR [MAKING] [RENDRING] MORE EFFECTUAL AN ACT ENTITLED "AN ACT FOR REGULATING THE MILITIA."

WHEREAS the several penalties set or ordered to be imposed by the said act, intitled "An act for regulating the militia." made and pass[ed] in the fifth year of the reign of King William and Queen Mary, do not answer the good design proposed in said act; for remedy whereof,—

Preamble.  
1693-4, chap. 3

*Be it enacted by His Excellency the Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

[SECT. 1.] That all and each of the forfeitures and penalties set in the said act, or thereby ordered to be inflicted for the breach or non-observance of each or any of the several clauses, articles or paragraphs therein, be henceforward paid in province bills of the new teno[u]r according to their several denominations, or in bills of the old teno[u]r, in proportion as three to one of the new; and that the clerk of each

Fines for neglect of duty in the militia stated in bills of the new tenor



Manner of levying them.

respective troop or company may, *ex officio*, distrain for any fine or penalty for breach of any of the clauses or paragraphs in the aforesaid act, for breach of which he might have distrained by force of said act, the augmenting of said fine notwithstanding, or may recover the same by action of debt before a justice of the peace or any court of record proper to try the same; all the said forfeitures [and penalties] to be applied to the uses mentioned in said act.

And for preventing the misapplication of the money to be levied and collected for breach of said act,—

*Be it further enacted by the authority aforesaid,*

Clerks of the troops and companies to keep accounts of the receipts and disbursements of the fines.

[SECT. 2.] That the clerk of each troop or company shall make and fairly enter in a book, to be kept for that purpose, a particular account of the several fines and forfeitures collected and recovered as aforesaid; and of the moneys so collected he shall lay out and improve so much as shall be necessary (his own fees, as by law established, being first deducted) for purchasing of drums, colours, halberts and other necessaries for the use of the troop or company whereunto he belongs, as from time to time he shall receive order from the captain or ch[e]if officer, in writing under his hand; and every such clerk shall likewise make a fair entry of his several disbursements of the moneys by him collected, setting forth the use to which the same has been applied, and sometime in the month of March, yearly, if required, deliver to the captain and to such others as are or may be concerned in ordering the disposition of any part of the moneys so collected, an attested copy of such account of his receipts and disbursements, and shall receive for his trouble therein (to be paid out of the fines) such recompence as the commission officers of such company shall judge reasonable, and the overplus, if any be, on balance of such account shall, in the month of March, annually, render to the treasurer of the town where such company is, to be improved for the purchasing of arms, powder, bullets and such other ammunition for a town stock, as by said act is required; and every military clerk shall be under oath (to be administered to him by a justice of the peace of the same county) for a faithful[1] discharge of his duty and trust in every of the particulars before mentioned; and upon conviction before the court of general sessions of the peace, upon complaint made, of neglect therein, shall forfeit and pay the sum of five pounds, to be laid out and improved for the purposes aforesaid.

Overplus, after the companies charges, to be delivered to the town treasurer.

Clerks of the companies to be under oath.

*And be it further enacted by the authority aforesaid,*

Succeeding clerk empowered to recover moneys due from the former.

[SECT. 3.] That upon the death or removal of any military clerk, his successor in the said office shall have power, and is hereby authorized to demand, sue for and recover of such clerk, if living, and of the executors or administrators of any clerk deceased, such sum or sums of mon[e]y, collected as aforesaid, as remained in his hands at the time of his death or removal, and not applied to the use of such company, according to the directions of the law.

*And be it further enacted by the authority aforesaid,*

Parents and masters to pay the fines of their sons or servants.

[SECT. 4.] That when any servant, apprentice or other person, under the age of twenty-one years, liable by law to train, and having been duly warned (not less than four days' notice beforehand to be accounted sufficient, unless in case of [an] alarm or other extraordinary occasion), shall not attend on military exercises on training days, or on military watches, the master, parent, or other person who hath the immediate care and government of such delinquent, shall be answerable for such neglect, and be obliged to satisfy and pay the fine by law imposed for such delinquency, and shall be liable to a suit for the same as above provided.

*And be it further enacted,*

[SECT. 5.] That every person listed and orderly admitted into any company, shall so continue and attend his duty there, unless such person, by name, be dismiss'd, by writing, under the hand of the ch[e]i[f] officer of the company or regiment to which he belongs, or of the captain-general or commander-in-ch[e]i[f] of the province, or be removed out of the town or precinct, on pain of incurring, for each offence or neglect, the penalty by law already provided in case of non-appearance on training days.

How persons must be dismissed from their company.

[SECT. 6.] This act to continue and be in force for the term of Limitation. three years from the publication hereof, and no longer. [*Passed June 24; published June 27.*]

## CHAPTER 6.

AN ACT TO ENABLE THE PROPRIETORS OF THE SEVERAL TOWNSHIPS, LATELY GRANTED BY THE GENERAL COURT, TO RAISE MONEYS FOR DEFRAYING THE CHARGES OF SETTLING THE SAME.

WHEREAS the proprietors or present possessors of several townships granted by this court, have passed votes for the raising several sums of money upon their rights or lots, to defray the necessary charges of bringing forward the settlement of the said townships; which votes have not been complied with by the several proprietors, nor is there any method as yet prescribed to render the said votes effectual, or other votes which the proprietors may hereafter make,—

Preamble.

*Be it enacted by His Excellency the Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

[SECT. 1.] That when any person, or grantee, of such new plantation or township already granted by this court, where the condition of the grant is not fulfilled, shall neglect or delay to pay the treasurer or committee of such township such sum or sums of money as shall be, from time to time, voted to be raised on their lands or rights, for thirty days after such rate or tax is made and published in the shire town of the county where such lands lye, and in the town where the clerk of such proprietors shall live, as also in such other town or towns as have heretofore been, or as the said proprietors shall appoint, for the notifying of meetings, (and in thirty days after the grantee or his assigns may be notified thereof by advertising the same in one or more of the News-letters) that then the committee chosen by such new plantation or township, or the major part of them, may, and hereby are fully empowered, at a publick vendue (notice thereof in the publick prints, as aforesaid, being given), to, sell such delinquent proprietor's lots and after-rights in said township, to such person or persons as may appear to give most for the same, and will give bond to the committee, or other person appointed by the general court to take bond for the performance of the conditions of the original grant; and the original grantee shall have his former bond given up and delivered him, if he desire the same: the money arising on such sale to be applied for the defraying such delinquent proprietor's rate or tax: and the overplus, if any there be after all charges arising about the same are subducted, shall be paid, the one-half to the treasurer of said township, for the general use and service of the said township, and the residue to the said delinquent proprietor, his heirs or assigns.

Lands of delinquent grantees in the new townships to be sold, in case.

Disposition of the produce of such sale.

*Provided, always,*

Proviso.

[SECT. 2.] That if such proprietors are not inhabitants of this province, that then there be reserved to them, their heirs or assigns, a liberty of redemption of such rights, they paying the purchaser or grantee, or their respective heirs, within six months, such sum as the lands sold for, with the costs arisen by improvement made thereon, and double interest until the same be redeemed.

*Provided, also,*

Proviso.

[SECT. 3.] That where any grantee has brought forward a settlement and is in the actual possession of his right, that then and in such case, so much only, and no more, of his right shall be sold as may be sufficient to defray such proprietor's rate, and the charges arising on the sale. [*Passed June 24 ; published June 27.*]

## CHAPTER 7.

AN ACT FOR DIVIDING THE TOWN OF LANCASTER, IN THE COUNTY OF WORCESTER, AND ERECTING A NEW TOWN THERE BY THE NAME OF BOLTON.

Preamble.

WHEREAS the south-easterly part of the town of Lancaster is competently fill'd with inhabitants, who labour under great difficulties by reason they live very remote from the place of publick worship in said town ; and having address'd this court that they may be set off a distinct and separate township, whereunto the inhabitants of said town, by their vote, have manifested their consent,—

*Be it therefore enacted by His Excellency the Governor, Council and Representatives in General Court assembled, and by the authority of the same,*

A new town granted by the name of Bolton,

Bounds thereof.

[SECT. 1.] That the easterly part of the town of Lancaster be and hereby is set off from the said town of Lancaster, and erected into a separate and distinct township by the name of Bolton, according to the following boundaries ; vizt., north-easterly upon Harvard, easterly upon Stow, south-easterly upon Marlborough, southerly upon Westborough, and westerly upon Lancaster, by a line running near a south and north point, paral[el] with the west line of said township of Lancaster, at four miles distance therefrom, agre[e]able to a vote of the said town, pass'd the first day of March, 1735.

[SECT. 2.] And that the inhabitants thereof be and hereby are vested with all those powers, priviledges [and] immunities that the inhabitants of other towns within this province are or ought by law to be vested with.

*Provided,*

Proviso.

[SECT. 3.] That the s[ai]d town of Bolton shall be liable and subject to the paym[en]t of their proportionable part of the town of Lancaster's province and county tax for the present year, as tho[ugh] they were not by this act separated from them. [*Passed June 24 ; published June 27.*]

## CHAPTER 8.

AN ACT FOR REGULATING THE HOSPITAL ON RAINSFORD'S ISLAND,  
AND FURTHER PROVIDING IN CASE OF SICKNESS.

WHEREAS a good and convenient house hath lately been built, at the charge of the province, on the island called Rainsford's Island, for the reception of such persons as shall be visited with any contagious sickness,—

Preamble.  
1728-29, chap. 8.

*Be it therefore enacted by His Excellency the Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

[SECT. 1.] That the commanding officer at Castle William (having orders therefor from the captain-general or commander-in-ch[e]i[e]f), and the keeper of the lighthouse, shall notify and direct the masters of all vessel[1]s coming near them, wherein an infectious sickness is or hath lately been, at their coming in, to come to anchor as near the before-mention'ed house as may be, that the sick persons, and everything else on board said ship that may give infection, proper to [be] put into the said house, may be removed into it with the greater ease and safety.

Masters of vessels to be notified of the hospital, at their coming in.

*And be it further enacted by the authority aforesaid,*

[SECT. 2.] That upon application made by said master or commander, to two of his majesty's justices of the peace, and the selectmen of the town of Boston, the said justices and selectmen are hereby impowered to permit such passengers, goods or lading as they shall judge free from infection, to come on shoar, or be taken out and disposed of as the owners shall see meet; and such passengers and goods as shall not be permitted as aforesaid, shall remain on board, or be put into the said hospital.

Rules to be observed referring to infected persons and goods.

[SECT. 3.] And if any master or immediate commander of any such vessel[1], for the time being, shall come on sho[a]r[e], or suffer any of his people or passengers to come on sho[a]r[e], or any boats to come on board, or suffer any goods to be taken out of his vessel[1], unless permitted as aforesaid, or shall come up with his vessel[1] until[1], by a certificate under the hands of two justices, and the selectmen [as] aforesaid, it shall appear to the captain-general that the said vessel[1], company and goods are clear of infection, and the orders for stopping and detaining the same be removed and taken off, he shall, for every such offence, forfeit the sum of fifty pounds; and in case he be not able to pay that sum, he shall suffer six months' imprisonment. And if any sailors or passengers, coming in said vessel[1], shall, without the knowledge or consent of the master, presume to come on sho[a]r[e], or up above the said castle; or if any person, from town or country, presume to go on board such vessel[1] or go to the aforesaid house or hospital, in time of infection there, without leave from the authority aforesaid; or if any person, put sick into the said house, or sent there on suspicion of being infected, shall presume to go off the island without leave as aforesaid, every person offending in any of the above-mentioned particulars, shall forfeit the sum of ten pounds. And in case any person be not able to pay [the] said sum he shall suffer two months' imprisonm[en]t. All the above-mentioned fines to be sued for and recovered by the province treasurer for the time being; one-third of the fines to be to his majesty for the use of this governm[en]t, one-third to the informer, and one-third to the province treasurer for the time being.

Penalty for not observing the said rules.

Fines how to be recovered and disposed of.

Infected vessels, persons, &c., to be ordered to the hospital.

1701-2, chap. 9.

How necessaries for the sick are to be provided.

Limitation.

*And be it further enacted by the authority aforesaid,*

[SECT. 4.] That when and so often as any ship or other vessel[1], wherein any infection or infectious sickness hath lately been, shall come to any port or harbour within this province, or when and so often as any person or persons belonging to, or that may, either by sea or land, come into any town or place near the publick hospital within this province, shall be visited, or who lately before may have been visited, with any infectious sickness, the justices and selectmen of such place be empowered immediately to order the said vessel[1] and sick persons to the province hospital or house aforesaid, there to be taken care of according to the direction of this act. And where any such ship, vessel[1] or persons cannot, without any great inconvenience and damage, be ordered to the aforesaid house or hospital, in every such case the rules and directions are to be observed, which are already made in and by the act pass'd in the thirteenth year of the reign of his late majesty, King William the Third, intitled, “An Act providing in case of sickness.”

[SECT. 5.] And the selectmen of Boston are directed and empowered to provide nurses, assistance and other necessaries for the comfort and rel[e]i[e]f of such sick persons sent to said hospital as aforesaid; the charge thereof to be born[e] by the said persons themselves, if able; or, if poor and indigent, then at the immediate charge of the province.

[SECT. 6.] This act to continue in force until[1] the end of the session of this court in May, *anno*, one thousand seven hundred and forty-three, and no longer. [*Passed June 29; published June 30.*]

## CHAPTER 9.

AN ACT TO ENABLE AND OBLIGE THE SURVIVING TRUSTEES OR COMMISSIONERS OF THE ONE HUNDRED THOUSAND POUNDS LOAN, TO COMPLY WITH THEIR DUTY BY LAW REQUIRED.

Preamble.

1716-17, chap. 18.

WHEREAS in and by an act pass'd in the third year of the reign of his late majesty King George the First, entitled, “An Act for the making and emitting the sum of one hundred thousand pounds in bills of credit on this province, in such manner as in the said act is expressed,” commissioners were appointed in the principal counties within this province, and provision was thereby made, that in case of the refusal or removal by death, or otherwise, of any of the said commissioners, the court of general sessions of the peace, in the respective counties, were directed and empowered to nominate and appoint a commissioner or commissioners to supply such vacancy, and that three of such commissioners for each county should be a quorum; and whereas several of the counties within this province are without a quorum of such commissioners, and those that survive cannot, without the aid of this court, fulfil[1] their trust,—

*Be it therefore enacted by His Excellency the Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

Two commissioners, if no more survive, empowered to act.

[SECT. 1.] That where it has already or may hereafter happen, in either of the counties, there are, or at any time hereafter may be, but two of such commissioners as aforesaid, surviving in any county, such commissioners shall be and hereby are fully authorized, empowered and directed to settle all accounts respecting that part of the said one hundred thousand pounds, which the commissioners of such county have received, yet remaining unsettled, and to pursue the directions of the



several laws or orders of this court relating thereto, in as full and ample manner, to all intents and purposes, as if a major part of such commissioners had been living; and that they be entitled to all the benefits accruing thereby.

*And be it further enacted by the authority aforesaid,*

[SECT. 2.] That the trustees or commissioners for each county, be and hereby are directed to settle their respective accounts of the said loan, and pay the ballance remaining in their hands unto the treasurer of this province, on or before the last day of May next, and deliver up the mortgages of such lands as remain unsold, under the penalty of paying the whole of such ballance, or the value of such mortgaged land as aforesaid.

Commissioners  
settle their  
work under  
penalty.

*And be it further enacted by the authority aforesaid,*

[SECT. 3.] That the treasurer of the province for the time being, be and hereby is fully impowered and directed, in behalf of the province, to prosecute such of the aforesaid commissioners as shall not comply with this act in manner as aforesaid. [*Passed June 29; published June 30.*]

Treasurer to  
prosecute de-  
linquent com-  
missioners.

## CHAPTER 10.

### AN ACT IN ADDITION TO AND EXPLANATION OF THE ACT FOR RELIEF OF POOR PRISONERS FOR DEBT.

WHEREAS different constructions have been made of the act for relief of poor prisoners for debt, by means whereof grievous and expensive lawsuits have arisen [*or*] [*and*] may yet farther arise, unless prevented by this court; to which end,—

Preamble.  
1737-38, chap. 17.

*Be it enacted and declared by His Excellency the Governor, Council and Representatives in General Court assembled, and by the authority of the same,*

[SECT. 1.] That every poor prisoner for debt, taking the benefit of the act aforesaid, ought to be kept in goal so long as the creditor, his attorney or agent, shall pay for such prisoner's subsistence, in the manner directed by the act subsisting when he was imprisoned, and no longer, whether such act be expired or not; and that the payment or tender of such poor prisoner's subsistence by the executor or administrator of the attorney or agent of the creditor ought and shall be of the same force and efficacy as if done by the creditor himself; and that this is and hath been the true intent and meaning of the aforesaid act for relief of poor [poor] prisoners for debt, and that it ought always to be so understood and construed.

Act referring to  
poor prisoners  
for debt ex-  
plained.

*And, whereas* no provision is made in the aforesaid act for the relief of poor prisoners for debt whose creditors live without the limits of this province, and have no attorney or agent within it,—

*Be it enacted by the authority aforesaid,*

[SECT. 2.] That in every such case the justices to whom such poor prisoner shall apply to take the benefit of said act, shall cause a notification to be left with the clerk of the court out of which the execution issued, and shall give double the time as if such creditor or his attorney lived within the province, and that in all other respects the method of proceeding shall be the same as if the creditor was an inhabitant of this province. [*Passed June 29; published June 30.*]

Rules referring  
to poor prison-  
ers whose cred-  
itors live out of  
the province.

## CHAPTER 11.

AN ACT FOR ERECTING A NEW TOWN IN THE COUNTY OF WORCESTER,  
AT A PLANTATION CALLED NEW-MEDFIELD, BY THE NAME OF STUR-  
BRIDGE.

Preamble.

WHEREAS the proprietors of a certain tract of land within the county of Worcester, called New-Medfield, have fulfilled the conditions of their grant, and therefore pray that they may be incorporated into a township, for want whereof they labour under great difficulties,—

*Be it therefore enacted by His Excellency the Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

A new town  
constituted by  
the name of  
Sturbridge.

[SECT. 1.] That the tract of land lying between the towns of Brookfield, Brimfield, Woodstock, Dudley and Oxford, the Province line and the Ten Thousand Acres, so called, be and hereby is erected into a township by the name of Sturbridge.

[SECT. 2.] And that the inhabitants thereof be and hereby are vested with all such powers, privile[d]ges and immunities as the inhabitants of the other towns within this province are or by law ought to be vested with. [*Passed June 24.*]

## CHAPTER 12.

AN ACT FOR GRANTING UNTO HIS MAJESTY SEVERAL RATES AND  
DUTYS OF IMPOST AND TUNAGE OF SHIPING.

WE, his majesty's most loyal and dutiful subjects, the representatives of his majesty's province of the Massachusetts Bay in New England, considering the necessity of a full and sufficient fund and security in silver and gold for the exchanging the bills of credit on this province that may be extant, and are by law to be exchanged in the year one thousand seven hundred and forty-two, have, notwithstanding the provision already made for that purpose, given and granted, and do hereby give and grant, unto his most excellent majesty, as a further fund and security, and for no other use whatsoever, the several dutys of impost upon wines, liquors, goods, wares and merchandize that shall be imported into this province, and tunage of shiping, hereafter mentioned, and pray that it may be enacted,—

*And be it accordingly enacted by His Excellency the Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

[SECT. 1.] That from and after the twenty-sixth day of June, instant, there shall be paid by the importer of all wines, liquors, goods, wares and merchandizes that shall be imported into this province from the place of their growth, produce or manufacture (salt, cotton-wool, provisions and every other thing of the growth and produce of New England excepted), the several rates or dutys of impost following; viz<sup>t</sup>,

For every pipe of wine of the Western Islands, seven shillings and fourpence, in silver coin at six shillings and eightpence the ounce, Troy weight, or gold coin at the rate of four pounds eighteen shillings the ounce.

For every pipe of Canary, eleven shillings, in silver coin at six shillings and eightpence the ounce, Troy weight, or gold coin at the rate of four pounds eighteen shillings the ounce.

For every pipe of Madera, eight shillings and ninepence, in silver coin at six shillings and eightpence the ounce, Troy weight, or gold coin at the rate of four pounds eighteen shillings the ounce.

For every pipe of other sorts, not mentioned, eight shillings and ninepence, in silver coin at six shillings and eightpence the ounce, Troy weight, or gold coin at the rate of four pounds eighteen shillings the ounce.

For every hogshead of rum containing one hundred gallons, seven shillings and fourpence, in silver coin at six shillings and eightpence the ounce, Troy weight, or gold coin at the rate of four pounds eighteen shillings the ounce.

For every hogshead of sugar, sixpence, in silver coin at six shillings and eightpence the ounce, Troy weight, or gold coin at the rate of four pounds eighteen shillings the ounce.

For every hogshead of molasses, fourpence, in silver coin at six shillings and eightpence the ounce, Troy weight, or gold coin at the rate of four pounds eighteen shillings the ounce.

For every hogshead of tobacco, eight shillings and ninepence, in silver coin at six shillings and eightpence the ounce, Troy weight, or gold coin at the rate of four pounds eighteen shillings the ounce.

For every tun of logwood, ninepence, in silver coin at six shillings and eightpence the ounce, Troy weight, or gold coin at the rate of four pounds eighteen shillings the ounce.

And so, proportionably, for greater or lesser quantities.

And all other commoditys, goods or merchandize not mentioned or excepted, threepence, in silver, for every twenty shillings' value: all goods imported from Great Britain excepted.

*And whereas* many strangers and foreigners have, of late years, reaped great gain and profit by bringing into this province considerable quantities of foreign molasses and rum on their own accounts, whereby much of the trade that was formerly carried on with considerable profit by the inhabitants of this province, although with the paying very high charges for permission, &c., in their islands, is, in a great measure, if not wholly, prevented: wherefore, in order to the subjecting such foreigners' goods to a higher duty,—

*Be it enacted by the authority aforesaid,*

[SECT. 2.] That all such molasses and rum that belongs to foreigners shall pay the following duties; vizt.,—

For every hogshead of molasses, one shilling and fourpence, in silver coin at six shillings and eightpence the ounce, Troy weight, or gold coin at the rate of four pounds eighteen shillings the ounce.

For every hogshead of rum, thirty-five shillings, in silver coin at six shillings and eightpence the ounce, Troy weight, or gold coin at the rate of four pounds eighteen shillings the ounce.

And, for the preventing the colouring of such foreigners' goods under the names of merchants or others inhabiting this province,—

*Be it enacted by the authority aforesaid,*

[SECT. 3.] That when any such goods are imported into this province, that may reasonably be supposed to come from any of the said foreign plantations, and are said to be consigned to some of the inhabitants of this province, or British subjects, such person to whom the same is consigned shall make oath, before the commissioner of impost, in the words following; vizt.,—

You, A B, do swear that the goods imported in the ship or vessel ( ), and consigned you, did actually and truly come upon the sole proper account and risque, and are, *bona fide*, the goods and estate of yourself or some other of his majesty's British subjects; and that no foreigner, directly or indirectly, is any ways interested or concerned in the same, or is ever to have any share or part in the same, that you know of; nor is this consignment

made to you under any colour or pretext to prevent the paying the duties of the same. So help you God.

[SECT. 4.] And, for any of the above wines, liquors, goods, wares, merchandizes, &c., that shall be imported into this province, &c., from any other port than the places of their growth or produce, there shall be paid, by the importer, double the value of impost appointed by this act to be received for every species abovementioned, unless they do, *bona fide*, belong to the inhabitants of this province, and came upon their risque from the port of their growth and produce.

*And be it further enacted by the authority aforesaid,*

[SECT. 5.] That the aforesaid impost-rates and dutys shall be paid by the importer of any wines, liquors, goods or merchandize, unto the commissioner to be appointed, as is hereinafter to be directed, for entring and receiving the same, at or before the landing of any wines, liquors, goods or merchandizes: *only* the commissioner or receiver is hereby allowed to give credit to such person or persons where his or their duty of impost, in one ship or vessel, doth exceed the sum of ten pounds; and in case where the commissioner or receiver shall give credit, he shall settle and ballance his accompts with every person, so that the same accompts may be ready to be presented to this court in May next. And all entries, where the impost or duty to be paid doth not exceed four shillings, shall be made without charge to the importer; and not more than sixpence to be paid for any other single entry, to what value soever.

*And be it further enacted by the authority aforesaid,*

[SECT. 6.] That all masters of ships or other vessels, coming into any harbour or port within this province, from beyond sea or from any other province or colony, before bulk be broken, and within twenty-four hours after his arrival at such harbour or port, shall make a report to the commissioner or receiver of the impost, to be appointed as is herein-after mentioned, of the contents of the lading of such ship or vessel, without any charge or fee to be demanded or paid for the same; which report said master shall give in to the commissioner or receiver, under his hand, and shall therein set down and express the quantities and species of the wines, liquors, goods and merchandizes laden on board such ship or vessel, with the marks and numbers thereof, and to whom the same is consigned; and also make oath that the said report or manifest of the contents of his lading, so to be by him given in under his hand, as aforesaid, contains a just and true accompt, to the best of his knowledge, of the whole lading taken on board and imported in the same vessel from the port or ports such vessel came from, and that he hath not broken bulk, nor delivered any of the wines, rum or other distilled liquors or merchandizes, laden on said ship or vessel, directly or indirectly, and if he shall know of any more wines, liquors, goods or merchandize to be imported therein, before the landing thereof he will cause it to be added to his manifest; which manifest shall be agreeable to a printed form made for that purpose, which is to be filled up by the said commissioner or receiver, according to each particular person's entry; which oath the commissioner or receiver is hereby empowered to administer: after which such master may unload, and not before, on pain of five hundred pounds, to be forfeited and paid by each master that shall neglect his duty in this behalf.

*And be it further enacted by the authority aforesaid,*

[SECT. 7.] That all merchants, factors and other persons, importers, being owners of or having any of the wines, liquors, goods or merchandizes consigned to them, that by this act are liable to pay impost or duty, shall, by themselves or order, make entry thereof in writing, under their hands, with the said commissioner or receiver, and produce

unto him the original invoice of all such goods as pay *ad valorem*, and make oath thereto in manner following:—

You, A. B., do swear that the entry of the goods and merchandize by you now made, contains the true value, agreeable to the invoice herewith exhibited; and that, according to your best skill and judgment, it is not less than the real value thereof. So help you God.

—which above oath the commissioner or receiver is hereby impowered to administer; and they shall pay the duty and impost by this act required, before such wines, liquors, goods, wares or merchandizes be landed or taken out of the vessel in which the same shall be imported, on pain of forfeiting all such wines, liquors, goods, wares or merchandizes so landed and taken out of the vessel in which the same shall be imported.

[SECT. 8.] And no wines, liquors, goods, wares or merchandizes that by this act are liable to pay impost or duty, shall be landed on any wharf, or into any warehouse or other place, but in the daytime only, and that after sunrise and before sunset, unless in the presence and with the consent of the commissioner or receiver, on pain of forfeiting all such wines, liquors, goods, wares and merchandizes, and the lighter, boat or vessel out of which the same shall be landed or put into any warehouse or other place.

[SECT. 9.] And if any person or persons shall not have and produce an invoice of the quantitys of rum or other liquors to him or them consigned, then the cask wherein the same is, shall be gaged at the charge of the importer, that the quantitys thereof may be known.

*And be it further enacted by the authority aforesaid,*

[SECT. 10.] That every merchant or other person importing any wines into this province, shall be allowed twelve per cent for leakage: *provided* such wines have not been filled up on board: and that every hogshead, butt or pipe of wine that hath two third parts thereof leak'd out, shall be accounted for outs, and the merchant or importer to pay no duty or impost for the same. And no master of any ship or vessel shall suffer any wines to be filled up on board without giving a certificate of the quantity so filled up, under his hand, before the landing thereof, to the commissioner or receiver of impost for such port, on pain of forfeiting the sum of one hundred pounds.

[SECT. 11.] And if it be made to appear that any wines imported in any ship or vessel be decayed at the time of unlading thereof, or in twenty days afterwards, oath being made before the commissioner or receiver that the same hath not been landed above that time, the duties and impost paid for such wines shall be repaid unto the importer thereof.

*And be it further enacted by the authority aforesaid,*

[SECT. 12.] That the master of any ship or vessel importing any wines, liquors, goods, wares or merchandize, shall be liable to and shall pay the impost for such and so much thereof, contained in his manifest, as shall not be duly entred, nor the duty paid for the same by the person or persons to whom such wines, liquors, goods, wares or merchandize are or shall be consigned. And it shall and may be lawful to and for the master of every ship or other vessel to secure and detain in his hands, at the owner's risque, all such wines, liquors, goods, wares or merchandize imported in any ship or vessel, until he shall receive a certificate, from the commissioner or receiver of the impost, that the duty for the same is paid, and until he be repaid his necessary charges in securing the same: or such master may deliver such wines, liquors, goods, wares or merchandize as are not entred, unto the commissioner or receiver of the impost in such port, or his order, who is hereby im-



powered and directed to receive and keep the same, at the owner's risque, until the impost thereof, with the charges, be paid; and then to deliver such wines, liquors, goods, wares or merchandize as such master shall direct.

*And be it further enacted by the authority aforesaid,*

[SECT. 13.] That the commissioner or receiver of the impost in each port, shall be and hereby is empowered to sue the master of any ship or vessel, for the impost or duty for so much of the lading of any wines, liquors, goods, wares or merchandize imported therein, according to the manifest to be by him given upon oath, as aforesaid, as shall remain not entred and the duty of impost thereof not paid. And where any goods, wares or merchandizes are such as that the value thereof is not known, whereby the impost to be recovered of the master, for the same, cannot be ascertained, the owner or person to whom such goods, wares or merchandizes are or shall be consigned, shall be summoned to appear as an evidence at the court where suit for the impost and duty thereof shall be brought, and be there required to make oath to the value of such goods, wares and merchandizes.

*And be it further enacted by the authority aforesaid,*

[SECT. 14.] That the ship or vessel, with her tackle, apparel and furniture, the master of which shall make default in anything by this act required to be performed by him, shall be liable to answer and make good the sum or sums forfeited by such master, according to this act, for any such default, as also to make good the impost or duty for any wines, liquors, goods, wares or merchandizes not entred as aforesaid; and, upon judgment recovered against such master, the said ship or vessel, with so much of the tackle or appurtenances thereof as shall be sufficient to satisfy said judgment, may be taken in execution for the same; and the commissioner or receiver of the impost is hereby empowered to make seizure of such ship or vessel, and detain the same under seizure until judgment be given in any suit to be commenced and prosecuted for any of the said forfeitures or impost; to the intent that if judgment be rendered for the prosecutor or informer, such ship or vessel and appurtenances may be exposed to sale for satisfaction thereof, as is before provided: unless the owners, or some on their behalf, for the releasing such ship or vessel from under seizure or restraint, shall give sufficient security unto the commissioner or receiver of impost that seized the same, to respond and satisfy the sum or value of the forfeiture and dutys, with charges, that shall be recovered against the master thereof, upon suit to be brought for the same, as aforesaid; and the master occasioning such loss and damage unto his owners, through his default or neglect, shall be liable unto their action for the same.

*And be it further enacted,*

[SECT. 15.] That the naval officer within any of the ports of this province, shall not clear or give passes to any master of any ship or other vessel, outward bound, until he shall be certified, by the commissioner or receiver of the impost, that the dutys and impost for the goods last imported in such ship or vessel are paid or secured to be paid.

[SECT. 16.] And the commissioner or receiver of the impost is hereby empowered to allow bills of store to the master of any ship or vessel importing any wines or liquors, of such private adventures as shall belong to the master or seamen of such ship or other vessel, at the discretion of the commissioner or receiver, not exceeding three per cent of the lading; and the dutys payable by this act for such wines or liquors, in such bills of store mentioned and expressed, shall be abated.

*And whereas* many persons have heretofore caused to be imported from the neighbouring governments into this province, by land-car-

riage, large quantitys of wine, rum and other merchandize, subjected to duty by this act, but have made no report thereof to the officer of impost, or any of his deputys, nor have paid any duty therefor, contrary to the true intent and meaning of this act,—

*Be it therefore further enacted,*

[SECT. 17.] That whensoever any rum, wine or other merchandize, by this act subjected to any duty, shall be hereafter imported from any of the neighbouring governments, by land, into any town of this province, the owner thereof or person importing the same shall make report thereof to the said officer, or some one of his deputys, and pay the duty hereby required therefor, on pain and penalty of forfeiting the same.

*And be it further enacted by the authority aforesaid,*

[SECT. 18.] That all penaltys, fines and forfeitures accruing and arising by vertue of this act shall be one half to his majesty for the uses and intents for which the aforementioned dutys of impost are granted, and the other half to him or them that shall seize, inform and sue for the same, by action, bill, plaint or information, in any of his majesty's courts of record, wherein no essoin, protection or wager of law shall be allowed; the whole charge of the prosecution to be taken out of the half belonging to the informer.

*And be it further enacted by the authority aforesaid,*

[SECT. 19.] That there shall be paid by the master of every ship or other vessel, coming into any port or ports within this province to trade or traffick, whereof all the owners are not belonging to this province (except such vessels as belong to Great Britain, the provinces or colonies of Pensilvania, West and East Jersey, New York, Connecticut, New Hampshire and Rhode Island), every voyage such ship or vessel do's make, the sum of one shilling and fourpence in silver or gold, as aforesaid, per ton, or one pound of good, new pistol-powder, for every tun such ship or vessel is in burthen: *saving* for that part which is owned in Great Britain, this province, or any of the aforesaid governments which is hereby exempted: to be paid unto the commissioner or receiver of the dutys of impost, and to be employed for the ends and uses aforesaid.

[SECT. 20.] And the said commissioner is hereby impowered to appoint a meet and suitable person, to repair unto and on board any ship or vessel, to take the exact measure or tunage thereof, in case he shall suspect that the register of such ship or vessel doth not express and set forth the full burthen of the same; the charge thereof to be paid by the master or owner of such ship or vessel before she be cleared, in case she shall appear to be of greater burthen: otherwise to be paid by the commissioner out of the money received by him for impost, and shall be allowed him, accordingly, by the treasurer in his accompts. And the naval officer shall not clear any vessel until he be also certified, by the commissioner, that the duty of tunage for the same is paid, or that it is such a vessel for which none is payable according to this act.

*And be it further enacted by the authority aforesaid,*

[SECT. 21.] That there be one fit person, and no more, nominated and appointed by this court, as a commissioner and receiver of the aforesaid dutys of impost and tunage of shiping, and for the inspection, care and management of the said office and whatsoever relates thereunto, to receive commission for the same from the governour and commander-in-chief for the time being, with authority to substitute and appoint a deputy receiver in each port besides that wherein he resides, and to grant warrants to such deputy receivers for the said place, and to collect and receive the impost and tunage of shiping aforesaid that shall become due within such port, and to render the accompts thereof, and pay in the same, to the said commissioner and receiver: which said

commissioner and receiver shall keep fair books of all entries and duties arising by virtue of this act; also a particular account of every vessel, so that the duties of impost and tunage arising on the said vessel may appear; and the same to be open, at all reasonable times, to the view and perusal of the treasurer and receiver-general of this province (or any other person or persons whom this court shall appoint), with whom he shall account for all collections and payments, and pay all such moneys as shall be in his hands, as the treasurer or receiver-general shall demand it. And the said commissioner or receiver and his deputy or deputies, before their entering upon the execution of their office, shall be sworn to deal truly and faithfully therein, and shall attend in the said office from nine to twelve of the clock in the forenoon, and from two to five a clock in the afternoon.

[SECT. 22.] And the said commissioner and receiver, for his labour, care and expences in the said office, shall have and receive, out of the province treasury, the sum of twenty-three pounds six shillings and eightpence, in bills of the new tenour, per annum; and his deputy or deputies to be paid for their service such sum or sums as the said commissioner and receiver, with the treasurer, shall agree, upon reasonable terms, not exceeding ten pounds, in bills of the new tenour, each; and the treasurer is hereby ordered, in passing and receiving the said commissioner's accounts, accordingly to allow the payment of such salary or salaries, as aforesaid, to himself and his deputy or deputies.

*And be it further enacted,*

[SECT. 23.] That whatever sums shall be received in silver and gold, by virtue of this act as aforesaid, shall be and continue in the treasury to and for the ends, uses and intents aforesaid, and for no other use whatsoever.

*Provided,*

[SECT. 24.] That this act shall be and continue in force from the twenty-sixth day of this instant June, until the thirty-first day of December, which will be in year of our Lord one thousand seven hundred and thirty-nine.

*Provided, also,*

[SECT. 25.] That the former impost-act shall not subsist after this takes place. [*Passed June 24.*]

## CHAPTER 13.

AN ACT FOR APPORTIONING AND ASSESSING A TAX OF THIRTEEN THOUSAND POUNDS, IN BILLS OF CREDIT OF THE NEW FORM AND TENOR; AND ALSO FOR APPORTIONING AND ASSESSING A FURTHER TAX OF NINE HUNDRED SEVENTY-FOUR POUNDS SIXTEEN SHILLINGS AND SIXPENCE, IN BILLS OF SAID FORM AND TENOR, PAID THE REPRESENTATIVES FOR THEIR SERVICE AND ATTENDANCE IN GENERAL COURT, AND TRAVEL, ANNO ONE THOUSAND SEVEN HUNDRED AND THIRTY-SEVEN; AND ALSO FOR APPORTIONING AND ASSESSING A FURTHER TAX IN SAID BILLS OF THE NEW TENOR, OF ONE HUNDRED POUNDS, AS A FINE, LAID ON THE SEVERAL TOWNS PARTICULARLY IN THIS ACT MENTIONED, FOR NOT SENDING A REPRESENTATIVE.

WHEREAS the great and general court or assembly of the province of the Massachusetts Bay in New England, at their sessions in the years hereafter mentioned, did pass several grants of taxes on polls and estates, as funds and security for the payment and drawing in several sums in bills of credit on this province ordered to be imprinted,

repeated and issued out of the publick treasury for the service of the government; that is to say, at their session held in the month of May, one thousand seven hundred and twenty-eight, the sum of sixteen thousand pounds;\* at their session held, by adjournment, in October, one thousand seven hundred and thirty-one, the sum of five thousand four hundred pounds; at their session held, by adjournment, in November, one thousand seven hundred and thirty-three, the sum of four thousand one hundred and twenty-five pounds; at their session held, by adjournment, in February, one thousand seven hundred and thirty-three, the sum of one thousand three hundred and fifty pounds; and at their session held in May, one thousand seven hundred and thirty-six, the sum of three thousand pounds; and, by the acts and resolves of the courts that made the aforesaid grants, it was ordered that the several sums aforesaid, amounting in the whole to twenty-nine thousand eight hundred and seventy-five pounds in bills of the old form and tenor, equal to nine thousand nine hundred fifty-eight pounds six shillings and eightpence, in bills of the new tenor, shall be apportioned, assessed and levied on polls, and estates both real and personal, within this province, according to such rules, and in such proportion upon the several towns and districts within the same, as shall be agreed on and ordered by this court at their present session; *and whereas* this court did likewise, at their session in the month of May, one thousand seven hundred and thirty-seven, emit the sum of six thousand pounds, in bills of a new form and tenor, and likewise pass'd an act for levying, assessing and apportioning the same, but did therein provide that this present assembly might, notwithstanding, anew apportion the said sum on the several towns of this province if they thought fit; and have likewise ordered, that the sum of nine hundred seventy-four pounds sixteen shillings and sixpence, in bills of the new tenor, paid the representatives, should be levied and assessed on the polls and estates of the inhabitants of the several towns according to what their respective representatives have received; and have also, at their present session, laid the sum of three hundred pounds, in bills of the old tenor and form, equal to one hundred pounds in bills of the new tenor, as a fine on several towns for not sending a representative; *wherefore*, for the ordering, directing and effectual drawing in the sum of seven thousand pounds in bills of the new tenor, which, with the sum of two thousand nine hundred fifty-eight pounds six shillings and eightpence, to be drawn in by the excise, together with the income of the bills let out, and the lighthouse, will make the said sum of nine thousand nine hundred fifty-eight pounds six shillings and eightpence, equal to twenty-nine thousand eight hundred seventy-five pounds in bills of the old form and tenor, as aforesaid, pursuant to the funds and grants aforesaid; and also for the effectual drawing in the sum of six thousand pounds, according to the apportionment now agreed to by this court; and also the sum of nine hundred seventy-four pounds sixteen shillings and sixpence, paid the representatives as aforesaid; and the sum of one hundred pounds, equal to three hundred pounds in bills of the old tenor, laid as a fine on several towns for not sending a representative; all which is unanimously approved, ratified and confirmed; we, his majesty's most loyal and dutiful subjects, the representatives in general court assembled, pray that it may be enacted,—

1731-32, chap. 6.

1733-34, chap. 7.  
§ 21.1733-34, chap.  
11, § 6.1736-37, chap. 1,  
§ 2.

1737-38, chap. 15.

*And be it accordingly enacted by His Excellency the Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

[SECT. 1.] That each town and district within this province be assessed and pay, as such town's and district's proportion of the aforesaid sum of seven thousand pounds, equal to twenty-one thousand pounds of the old tenor; and also of the said sum of six thousand pounds anew appportioned as aforesaid, amounting in the whole to thirteen thousand pounds, the several sums following; that is to say,—



## IN THE COUNTY OF SUFFOLK.

	PAID THE REPRESENTATIVES.			FINES.			PROVINCE TAX.				SUM TOTAL.		
	£31	8s.	0d.	£00	0s.	0d.	£2	5s.	0d.		£2	13s.	0d.
Boston, .	.	.	.	.	.	.	113	6	4	Two thousand two hundred eighty-six pounds thirteen shillings.	121	18	4
Roxbury, .	.	.	.	.	.	.	111	11	8	One hundred twenty-one pounds eighteen shillings and fourpence.	120	3	8
Dorchester, .	.	.	.	.	.	.	54	6	7	One hundred and twenty pounds three shillings and eightpence.	57	14	7
Milton, .	.	.	.	.	.	.	106	4	5	Fifty-seven pounds fourteen shillings and sevenpence.	116	14	11
Braintree, .	.	.	.	.	.	.	72	7	4	One hundred and sixteen pounds fourteen shillings and elevenpence.	82	7	10
Weymouth, .	.	.	.	.	.	.	83	1	4	Eighty-two pounds seven shillings and tenpence.	132	17	4
Hingham, .	.	.	.	.	.	.	126	1	5	One hundred thirty-two pounds seventeen shillings and fourpence.	96	11	11
Dedham, .	.	.	.	.	.	.	55	1	9	Ninety-six pounds eleven shillings and elevenpence.	65	7	9
Medfield, .	.	.	.	.	.	.	81	10	5	Sixty-five pounds seven shillings and ninepence.	90	15	5
Wrentham, .	.	.	.	.	.	.	39	11	11	Ninety pounds fifteen shillings and fivepence.	50	5	5
Medway, .	.	.	.	.	.	.	64	12	5	Fifty pounds five shillings and fivepence.	73	18	11
Stoughton, .	.	.	.	.	.	.	22	18	3	Seventy-three pounds eighteen shillings and elevenpence.	22	18	3
Hull, .	.	.	.	.	.	.	42	11	6	Twenty-two pounds eighteen shillings and threepence.	51	3	6
Brookham, .	.	.	.	.	.	.	48	5	3	Fifty-one pounds three shillings and sixpence.	56	5	9
Needham, .	.	.	.	.	.	.	23	12	4	Fifty-six pounds five shillings and ninepence.	23	12	4
Beilingsham, .	.	.	.	.	.	.	22	9	7	Twenty-three pounds twelve shillings and fourpence.	22	9	7
Wulpole, .	.	.	.	.	.	.	.	.	.	Twenty-two pounds nine shillings and sevenpence.	.	.	.
	£152	1s.	0d.	£00	0s.	0d.	£3,319	17s.	6d.	Three thousand four hundred seventy-one pounds eighteen shill. and sixpence.	£3,471	18s.	6d.

## IN THE COUNTY OF ESSEX.

	£18	4s.	0d.	£00	0s.	0d.	£373	15s.	0d.		£391	19s.	0d.
Salem,	.	.	.	.	.	.	366	3	4	Three hundred ninety-one pounds nineteen shillings,	387	1	4
Ipswich,	.	.	.	.	.	.	333	2	6	Three hundred eighty-seven pounds one shilling and fourpence,	354	0	6
Newbury,	.	.	.	.	.	.	217	0	0	Three hundred fifty-four pounds and sixpence,	257	18	0
Marblehead,	.	.	.	.	.	.	124	12	9	Two hundred fifty-seven pounds eighteen shillings,	135	4	9
Lynn,	.	.	.	.	.	.	151	3	7	One hundred sixty-five pounds four shillings and ninepence,	162	3	7
Andover,	.	.	.	.	.	.	101	11	3	One hundred sixty-two pounds three shillings and sevenpence,	111	13	3
Beverly,	.	.	.	.	.	.	98	11	8	One hundred and eleven pounds thirteen shillings and threepence,	109	17	8
Roxley,	.	.	.	.	.	.	114	16	8	One hundred and nine pounds seventeen shillings and elevenpence,	117	10	8
Salisbury,	.	.	.	.	.	.	122	0	9	One hundred and seventeen pounds ten shillings and eightpence,	131	18	9
Haverhill,	.	.	.	.	.	.	170	2	9	One hundred thirty-one pounds eighteen shillings and ninepence,	179	8	9
Gloster,	.	.	.	.	.	.	47	3	7	One hundred seventy-nine pounds eight shillings and ninepence,	58	0	7
Topsheld,	.	.	.	.	.	.	.	.	.	Fifty-eight pounds and sevenpence,	.	.	.

IN THE COUNTY OF ESSEX—Continued.

	PAID THE REPRESENTATIVES.			FINES.			PRIVILEGE TAX.			SEVENTY POUNDS NINE SHILLINGS AND FOURPENCE.	ONE HUNDRED AND FOURTEEN POUNDS ONE SHILLINGS AND EIGHTPENCE.	SIXTY-SEVEN POUNDS TWO SHILLINGS AND A PENNY.	FIFTY-FOUR POUNDS FIVE SHILLINGS AND A PENNY.	THIRTY-SEVEN POUNDS ONE SHILLING.	THIRTY-NINE POUNDS TEN SHILLINGS AND TENPENCE.	FORTY POUNDS THIRTEEN SHILLINGS AND EIGHTPENCE.	THIRTEEN POUNDS.	TWO THOUSAND EIGHT HUNDRED THIRTY-THREE POUNDS AND SIXPENCE.	SUM TOTAL.		
	£11	2s.	0d.	£0	0s.	0d.	£39	7s.	4d.												
Bexford, . . . . .	.	.	.	0	0	0	£39	7s.	4d.	.	.	.	.	.	.	.	.	.	£79	9s.	4d.
Almsbury, . . . . .	12	5	0	0	0	0	101	16	8	.	.	.	.	.	.	.	.	.	114	1	8
Bratford, . . . . .	11	16	0	0	0	0	35	6	1	.	.	.	.	.	.	.	.	.	67	2	1
Wentham, . . . . .	10	0	0	0	0	0	44	5	1	.	.	.	.	.	.	.	.	.	54	5	1
Man-hester, . . . . .	.	.	.	0	0	0	37	1	0	.	.	.	.	.	.	.	.	.	37	1	0
Meethen, . . . . .	0	0	0	0	0	0	39	10	10	.	.	.	.	.	.	.	.	.	39	10	10
Middleton, . . . . .	0	0	0	6	13	4	34	0	* 4	.	.	.	.	.	.	.	.	.	40	13	8
Rumford, . . . . .	0	0	0	0	0	0	13	0	0	.	.	.	.	.	.	.	.	.	13	0	0
£191	16s.	0d.		£6	13s.	4d.	£2,634	11s.	2d.									£2,833	0s.	6d.	

IN THE COUNTY OF MIDDLESEX.

	£8	12s.	0d.	£0	0s. 0d.	£84	19s. 10d.	Ninety-three pounds eleven shillings and ninepence, Two hundred sixty-two pounds eight shillings and threepence, Sixty-one pounds eighteen shillings, One hundred and twenty-eight pounds seven shillings, Fifty-nine pounds one shilling and sixpence, One hundred and three pounds two shillings and twopence, Ninety-seven pounds eighteen shillings and a penny, One hundred and fifteen pounds fourteen shillings and sevenpence, Ninety-seven pounds twelve shillings and a penny, Seventy-six pounds three shillings and threepence, Eighty-eight pounds and twopence, Eighty-three pounds seven shillings, Seventy pounds twelve shillings and threepence, Thirty-four pounds seventeen shillings and twopence, Thirty-nine pounds two shillings and twopence, Twenty-nine pounds eighteen shillings and sevenpence, Eighty pounds twelve shillings and elevenpence, Eighty-seven pounds eighteen shillings and a penny, Forty-nine pounds nineteen shillings and eightpence, Forty-three pounds twelve shillings and twopence, Thirty pounds eighteen shillings and twopence, Thirty pounds ten shillings, Twenty-seven pounds three shillings and twopence,	£93	11s.	9d.						
Cambridge,	.	.	.	0	0	0	4	.	.	.	.	.	.	.	.	.	.
Charlestown,	.	17	4	0	0	245	3	.	.	.	.	.	.	.	.	.	.
Watertown,	.	8	12	0	0	53	6	0	.	.	.	.	.	.	.	.	.
Concord,	.	9	8	0	0	118	19	0	.	.	.	.	.	.	.	.	.
Weston,	.	10	14	0	0	48	7	5	.	.	.	.	.	.	.	.	.
Woburn,	.	10	1	0	0	93	1	2	.	.	.	.	.	.	.	.	.
Reading,	.	9	9	0	0	88	9	1	.	.	.	.	.	.	.	.	.
Sollbury,	.	10	14	0	0	105	0	7	.	.	.	.	.	.	.	.	.
Marlborough,	.	10	9	0	0	87	3	1	.	.	.	.	.	.	.	.	.
Lexington,	.	10	7	0	0	65	16	3	.	.	.	.	.	.	.	.	.
Newton,	.	8	4	0	0	79	16	10	.	.	.	.	.	.	.	.	.
Malden,	.	8	12	0	0	74	15	0	.	.	.	.	.	.	.	.	.
Chelmsford,	.	10	13	0	0	59	19	3	.	.	.	.	.	.	.	.	.
Billerica,	.	10	8	0	0	64	9	2	.	.	.	.	.	.	.	.	.
Sherborn,	.	0	0	0	0	36	2	2	.	.	.	.	.	.	.	.	.
Holliston,	.	0	0	0	0	23	11	11	.	.	.	.	.	.	.	.	.
Groton,	.	5	6	0	0	75	6	11	.	.	.	.	.	.	.	.	.
Framingham,	.	11	3	0	0	76	15	1	.	.	.	.	.	.	.	.	.
Medford,	.	8	12	0	0	41	7	8	.	.	.	.	.	.	.	.	.
Stow,	.	0	0	0	0	36	18	10	.	.	.	.	.	.	.	.	.
Dunstable,	.	7	8	0	0	23	10	2	.	.	.	.	.	.	.	.	.
Dracut,	.	0	0	0	0	23	16	8	.	.	.	.	.	.	.	.	.
Dorchester,	.	0	0	0	0	27	3	10	.	.	.	.	.	.	.	.	.

	£6	12s.	0d.	£0	0s.	0d.	£38	10s.	3d.				£15	2s.	3d.
Litchton, . . . . .	0	0	0	0	0	0	32	10	0	Forty-five pounds two shillings and threepence,	.	.	32	10	0
Hockinton, . . . . .	0	0	0	6	13	4	29	1	9	Thirty-two pounds ten shillings,	.	.	35	15	1
Bedford, . . . . .	0	0	0	0	0	0	16	14	9	Thirty-five pounds fifteen shillings and a penny,	.	.	16	14	9
Nottingham, . . . . .	0	0	0	0	0	0	21	10	1	Sixteen pounds fourteen shillings and ninepence,	.	.	21	10	1
Tewkesbury, . . . . .	0	0	0	0	0	0	14	3	10	Twenty-one pounds ten shillings and a penny,	.	.	14	3	10
Acton, . . . . .	0	0	0	5	0	0	39	2	2	Forty pounds three shillings and twopence,	.	.	44	2	2
Westford, . . . . .	0	0	0	0	0	0	26	5	5	Forty-four pounds two shillings and twopence,	.	.	26	5	5
Wilmington, . . . . .	0	0	0	0	0	0	47	2	6	Twenty-six pounds five shillings and fivepence,	.	.	47	2	6
Waltham, . . . . .	0	0	0	0	0	0	13	0	0	Forty-seven pounds two shillings and sixpence,	.	.	13	0	0
Townsend, . . . . .	0	0	0	0	0	0	9	15	0	Thirteen pounds,	.	.	9	15	0
Litchfield, . . . . .	0	0	0	0	0	0				Nine pounds fifteen shillings,	.	.			
	£182	8s	0d.	£28	6s.	8d.	£1,927	15s.	10d.	Two thousand one hundred thirty-eight pounds ten shillings and sixpence,	.	.	£2,138	10s.	6d.

## IN THE COUNTY OF HAMPSHIRE.

	£11	2s.	0d.	£0	0s.	0d.	£112	3s.	9d.				£153	5s.	9d.
Springfield, . . . . .	9	2	0	0	0	0	109	9	6	One hundred fifty-three pounds five shillings and ninepence,	.	.	118	11	5
Northampton, . . . . .	9	2	0	10	0	0	78	19	6	One hundred and eighteen pounds eleven shillings and fivepence,	.	.	98	1	6
Radley, . . . . .	7	6	0	0	0	0	60	4	8	Ninety-eight pounds one shilling and sixpence,	.	.	67	10	8
Hartfield, . . . . .	11	0	0	0	0	0	68	6	1	Sixty-seven pounds ten shillings and eightpence,	.	.	79	6	1
Witchfield, . . . . .	9	16	0	0	0	0	59	17	1	Seventy-nine pounds six shillings and a penny,	.	.	69	13	1
Sudfield, . . . . .	8	10	0	0	0	0	43	15	4	Sixty-nine pounds thirteen shillings and a penny,	.	.	52	5	4
Enfield, . . . . .	6	10	6	0	0	0	39	16	3	Fifty-two pounds five shillings and fourpence,	.	.	46	6	9
Donfield, . . . . .	0	0	0	3	6	8	20	17	1	Forty-six pounds six shillings and ninepence,	.	.	24	3	9
Sunderland, . . . . .	10	7	0	3	6	8	32	10	0	Twenty-four pounds three shillings and ninepence,	.	.	46	3	8
Northfield, . . . . .	0	0	0	5	0	0	33	5	2	Forty-six pounds three shillings and eightpence,	.	.	38	5	2
Brighthelm, . . . . .	0	0	0	0	0	0	20	19	3	Thirty-eight pounds five shillings and twopence,	.	.	20	19	3
Somers, . . . . .	0	0	0	0	0	0	26	0	0	Twenty pounds nineteen shillings and threepence,	.	.	26	0	0
Sheffield, . . . . .	0	0	0	0	0	0				Twenty-six pounds,	.	.			
	£82	15s.	6d.	£21	13s.	4d.	£736	3s.	7d.	Eight hundred and forty pounds twelve shillings and fivepence,	.	.	£840	12s.	5d.

## IN THE COUNTY OF WORCESTER.

	£10	17s.	0d.	£0	0s.	0d.	£12	5s.	0d.				£53	2s.	0d.
Worcester, . . . . .	10	10	0	0	0	0	96	8	4	Fifty-three pounds two shillings,	.	.	106	18	4
Lancaster, . . . . .										One hundred and six pounds eighteen shillings and fourpence,	.	.			

## IN THE COUNTY OF WORCESTER.—Continued.

	PAID THE REPRESENTATIVES. £10 7s. 0d.	FINES. £0 0s. 0d.	PROVINCE TAX. £13 10s. 9d.		SUM TOTAL. £73 17s. 9d.
Mendon, . . . . .	11 9 0	0 0 0	66 6 0	Seventy-three pounds seventeen shillings and ninepence, . . . . .	77 15 0
Woodstock, . . . . .	0 0 0	0 0 0	54 0 1	Seventy-seven pounds fifteen shillings, . . . . .	54 0 1
Brookfield, . . . . .	0 0 0	0 0 0	54 0 1	Fifty-four pounds and a penny, . . . . .	47 13 10
Southborough, . . . . .	10 15 0	0 0 0	36 18 10	Forty-seven pounds thirteen shillings and tenpence, . . . . .	34 17 2
Leicester, . . . . .	0 0 0	3 6 8	31 10 6	Thirty-four pounds seventeen shillings and threepence, . . . . .	23 4 3
Kirtland, . . . . .	0 0 0	3 6 8	31 10 7	Twenty-three pounds four shillings and threepence, . . . . .	29 3 6
Lincolnbrough, . . . . .	8 1 0	0 0 0	21 2 6	Twenty-nine pounds three shillings and sixpence, . . . . .	37 4 3
Weshborough, . . . . .	0 0 0	0 0 0	37 4 3	Thirty-seven pounds four shillings and threepence, . . . . .	52 19 11
Sturresbury, . . . . .	8 2 0	8 6 8	36 11 3	Fifty-two pounds nineteen shillings and elevenpence, . . . . .	22 15 0
Oxford, . . . . .	0 0 0	0 0 0	22 15 0	Twenty-two pounds fifteen shillings, . . . . .	45 6 9
Sutton, . . . . .	0 0 0	0 0 0	45 6 9	Forty-five pounds six shillings and ninepence, . . . . .	32 16 6
Uxbridge, . . . . .	0 0 0	0 0 0	32 16 6	Thirty-two pounds sixteen shillings and sixpence, . . . . .	26 4 4
Harvard, . . . . .	0 0 0	0 0 0	26 4 4	Twenty-six pounds four shillings and fourpence, . . . . .	23 1 6
Grafton, . . . . .	0 0 0	0 0 0	23 1 6	Twenty-three pounds one shilling and sixpence, . . . . .	7 4 1
Upton, . . . . .	0 0 0	0 0 0	7 4 1	Seven pounds four shillings and a penny, . . . . .	13 0 0
Dudley, . . . . .	0 0 0	0 0 0	13 0 0	Thirteen pounds, . . . . .	£761 4s. 3d.
	£70 1s. 0d.	£15 0s. 0d.	£676 3s. 3d.	Seven hundred sixty-one pounds four shillings and threepence, . . . . .	

## IN THE COUNTY OF PLYMOUTH.

	PAID THE REPRESENTATIVES. £7 0s. 0d.	FINES. £0 0s. 0d.	PROVINCE TAX. £126 6s. 4d.		SUM TOTAL. £133 6s. 4d.
Plymouth, . . . . .	6 12 0	0 0 0	56 15 4	One hundred thirty-three pounds six shillings and fourpence, . . . . .	63 7 4
Plympton, . . . . .	6 14 0	0 0 0	160 13 2	Sixty-three pounds seven shillings and fourpence, . . . . .	167 7 2
Seigate, . . . . .	11 1 0	0 0 0	146 7 2	One hundred sixty-seven pounds seven shillings and twopence, . . . . .	157 8 2
Bridgewater, . . . . .	9 8 0	0 0 0	89 8 7	One hundred sixty-seven pounds eight shillings and twopence, . . . . .	98 16 7
Marsfield, . . . . .	9 3 0	0 0 0	47 16 7	Ninety-eight pounds sixteen shillings and sevenpence, . . . . .	56 19 7
Penbrook, . . . . .	10 8 0	0 0 0	47 16 7	Fifty-six pounds nineteen shillings and sevenpence, . . . . .	58 4 7
Duxbury, . . . . .	9 4 0	0 0 0	100 13 11	Fifty-eight pounds four shillings and sevenpence, . . . . .	109 17 11
Middleborough, . . . . .	9 18 0	0 0 0	90 18 11	One hundred and nine pounds seventeen shillings and elevenpence, . . . . .	100 16 11
Rechester, . . . . .	0 0 0	3 6 8	28 7 8	One hundred pounds sixteen shillings and elevenpence, . . . . .	31 14 4
Aldington, . . . . .	0 0 0	6 13 4	33 6 3	Thirty-one pounds fourteen shillings and fourpence, . . . . .	39 19 7
Kingston, . . . . .	10 3 0	0 0 0	40 13 7	Thirty-nine pounds nineteen shillings and sevenpence, . . . . .	50 16 7
Haver, . . . . .	0 0 0	0 0 0	27 12 6	Fifty pounds sixteen shillings and sevenpence, . . . . .	27 12 6
Hallifax, . . . . .	0 0 0	0 0 0	27 12 6	Twenty-seven pounds twelve shillings and sixpence, . . . . .	£1,096 7s. 7d.
	£89 11s. 0d.	£10 0s. 0d.	£996 16s. 7d.	One thousand and ninety-six pounds seven shillings and sevenpence, . . . . .	

## IN THE COUNTY OF BRISTOL.

	£10	0s.	0d.	£0	0s.	0d.	£9s.	10s.	6d.		£106	10s.	6d.
Bristol, . . . . .	11	0	0	0	0	0	120	6	1	One hundred and six pounds ten shillings and sixpence, . . . . .	131	6	1
Tainton, . . . . .	0	0	0	0	0	0	25	10	3	One hundred thirty-one pounds six shillings and a penny, . . . . .	25	10	3
Raynham, . . . . .	0	0	0	0	0	0	69	0	2	Twenty-five pounds ten shillings and threepence, . . . . .	79	15	2
Norton, . . . . .	10	15	0	0	0	0	22	11	9	Seventy-nine pounds fifteen shillings and twopence, . . . . .	22	11	9
Easton, . . . . .	0	0	0	0	0	0	187	15	11	Twenty-two pounds eleven shillings and ninepence, . . . . .	197	1	11
Dartmouth, . . . . .	9	6	0	0	0	0	43	7	9	One hundred ninety-seven pounds one shilling and elevenpence, . . . . .	54	6	9
Dighton, . . . . .	10	19	0	0	0	0	151	13	4	Fifty-four pounds six shillings and ninepence, . . . . .	157	1	4
Rehobeth, . . . . .	5	8	0	0	0	0	91	16	11	One hundred fifty-seven pounds one shilling and fourpence, . . . . .	98	12	11
Little Compton, . . . . .	3	16	0	0	0	0	107	5	0	Ninety-eight pounds twelve shillings and elevenpence, . . . . .	116	12	0
Swansey and Shewamet, . . . . .	9	7	0	0	0	0	52	0	0	One hundred and sixteen pounds twelve shillings, . . . . .	60	0	0
Tiverton, . . . . .	8	0	0	0	0	0	43	11	0	Sixty pounds, . . . . .	56	9	8
Freetown, . . . . .	4	12	0	8	6	8	79	2	9	Fifty-six pounds nine shillings and eightpence, . . . . .	79	2	9
Attleborough, . . . . .	0	0	0	0	0	0	35	16	8	Seventy-nine pounds two shillings and ninepence, . . . . .	43	10	0
Barrington, . . . . .	0	0	0	6	13	4	27	0	7	Forty-three pounds ten shillings, . . . . .	27	0	7
Berkley, . . . . .	0	0	0	0	0	0				Twenty-seven pounds and sevenpence, . . . . .			
										One thousand two hundred fifty-five pounds eleven shillings, and eightpence, . . . . .			
	£83	3s.	0d.	£15	0s.	0d.	£1,157	8s.	8d.		£1,255	11s.	8d.

## IN THE COUNTY OF BARNSTABLE.

	£12	5s.	0d.	£0	0s.	0d.	£146	8s.	0d.		£158	5s.	8d.
Barnstable, . . . . .	9	14	0	0	0	0	92	13	7	One hundred fifty-eight pounds five shillings and eightpence, . . . . .	102	7	7
Yarmouth, . . . . .	10	10	0	0	0	0	81	10	0	One hundred and two pounds seven shillings and sevenpence, . . . . .	95	0	0
Sandwich, . . . . .	8	14	0	0	0	0	105	8	2	Ninety-five pounds, . . . . .	114	2	2
Eastham, . . . . .	0	0	0	0	0	0	35	2	0	One hundred and fourteen pounds two shillings and twopence, . . . . .	35	2	0
Turo, . . . . .	0	0	0	0	0	0	16	13	8	Thirty-five pounds two shillings, . . . . .	16	13	8
Provincetown, . . . . .	0	0	0	0	0	0	68	12	7	Sixteen pounds thirteen shillings and eightpence, . . . . .	74	0	7
Harwich, . . . . .	5	8	0	0	0	0	54	2	3	Seventy-four pounds and sixpence, . . . . .	67	3	3
Edmouthe, . . . . .	13	1	0	0	0	0	40	10	4	Sixty-seven pounds three shillings and threepence, . . . . .	40	10	4
Chatham, . . . . .	0	0	0	0	0	0				Forty pounds ten shillings and fourpence, . . . . .			
	£59	12s.	0d.	£0	0s.	0d.	£643	13s.	3d.	Seven hundred and three pounds five shillings and threepence, . . . . .	£703	5s.	2d.



IN THE COUNTY OF YORK.

	PAID THE REPRESENTATIVES. £11 8s. 0d.	FINES. £0 0s. 0d.	PROVINCE TAX. £113 11s. 9d.		SUM TOTAL. £125 9s. 9d.
York, . . . . .	8 16 0	0 0 0	146 9 4	One hundred twenty-five pounds nine shillings and ninepence,	155 5 4
Kittery, . . . . .	5 16 0	0 0 0	76 9 8	One hundred fifty-five pounds five shillings and fourpence,	82 5 8
Derwick, . . . . .	11 13 0	0 0 0	64 7 0	Eighty-two pounds five shillings and eightpence,	76 0 0
Wells, . . . . .	13 0 0	0 0 0	86 5 9	Seventy-six pounds,	99 5 9
Falmouth, . . . . .	0 0 0	0 0 0	28 15 3	Ninety-nine pounds five shillings and ninepence,	28 15 3
Bald-ford, . . . . .	0 0 0	0 0 0	26 16 3	Twenty-eight pounds fifteen shillings and ninepence,	26 16 3
Arundel, . . . . .	0 0 0	3 6 8	53 16 10	Twenty-six pounds sixteen shillings and threepence,	57 3 6
Seatonmouth, . . . . .	0 0 0	0 0 0	19 1 4	Fifty-seven pounds three shillings and sixpence,	19 1 4
North Yarmouth, . . . . .	0 0 0	0 0 0		Nineteen pounds one shilling and fourpence,	
Georgetown; viz., Arowsick Island, with the farms on the east and west sides of Sagar- dahoc, not elsewhere taxed.	0 0 0	0 0 0	13 0 0	Thirteen pounds,	13 0 0
	£51 3s. 0d.	£3 6s. 8d.	£628 13s. 2d.	Six hundred eighty-three pounds two shillings and tenpence,	£683 2s. 10d.

IN THE COUNTY OF DUKES COUNTY.

Edgartown, . . . . .	£6 16s. 0d.	£0 0s. 0d.	£52 0s. 0d.	Fifty-eight pounds sixteen shillings,	£58 16s. 0d.
Culmarke, . . . . .	0 0 0	0 0 0	71 0 3	Seventy-one pounds and threepence,	71 0 3
Tisbury, . . . . .	0 0 0	0 0 0	29 14 9	Twenty-nine pounds fourteen shillings and ninepence,	29 14 9
	£6 16s. 0d.	£0 0s. 0d.	£152 15s. 0d.	One hundred fifty-nine pounds eleven shillings,	£159 11s. 0d.

IN NANTUCKET COUNTY.

Sherburn, . . . . .	£5 10s. 0d.	£0 0s. 0d.	£126 2s. 0d.	One hundred thirty-one pounds twelve shillings,	£131 12s. 0d.
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	REPRESENTATIVES' TAX.		FINES.		PROVINCE TAX.			SUM TOTAL.		
	£	s.	d.	£	0s.	0d.	£	17s.	6d.	
Suffolk, . . . . .	£152	1s.	0d.	£0	0s.	0d.	£3,319	17s.	6d.	Three thousand four hundred seventy-one pounds eighteen shillings and sixpence, . . . . .
Essex, . . . . .	191	16	0	6	13	4	2,634	11	2	Two thousand eight hundred thirty-three pounds and sixpence, . . . . .
Middlesex, . . . . .	182	8	0	28	6	8	1,927	15	10	Two thousand one hundred thirty-eight pounds ten shillings and sixpence, . . . . .
Hampshire, . . . . .	82	15	6	21	13	4	736	3	7	Eight hundred and forty pounds twelve shillings and fivepence, . . . . .
Worcester, . . . . .	70	1	0	15	0	0	676	3	3	Seven hundred sixty-one pounds four shillings and threepence, . . . . .
Plymouth, . . . . .	89	11	0	10	0	0	996	16	7	One thousand and ninety-six pounds seven shillings and sevenpence, . . . . .
Bristol, . . . . .	83	3	0	15	0	0	1,157	8	8	Twelve hundred fifty-five pounds eleven shillings and eightpence, . . . . .
Barnstable, . . . . .	69	12	0	0	0	0	613	13	3	Seven hundred and three pounds five shillings and threepence, . . . . .
York, . . . . .	51	3	0	3	6	8	628	13	2	Six hundred eighty-three pounds two shillings and twopence, . . . . .
Dukes County, . . . . .	6	16	0	0	0	0	152	15	0	One hundred fifty-nine pounds eleven shillings, . . . . .
Nantucket, . . . . .	5	10	0	0	0	0	126	2	0	One hundred thirty-one pounds twelve shillings, . . . . .
	£974	16s.	6d.	£100	0s.	0d.	£13,000	0s.	0d.	£14,074 16s. 6d.

Rules for as-  
sessing the tax.

*And be it further enacted by the authority aforesaid,*

[SECT. 2.] That the treasurer do forthwith send out his warrants, directed to the selectmen or assessors of each town or district within this province, requiring them, respectively, to assess the sum hereby set upon such town and district, in manner following; that is to say, to assess all rateable male polls above the age of sixteen years, at three shillings and threepence per poll, and proportionably in assessing the fines mentioned in this act, and the said additional sum received out of the treasury for the payment of the representatives, except the governor, lieutenant-governor and their families, the president, fellows and students of Harvard College, settled ministers and grammar-school masters (who are hereby exempted as well from being taxed for their polls, as for their estates being in their own hands and under their actual management and improvement); and other persons, if such there be, who, thro' age, infirmity or extream poverty, in the judgment of the assessors, are not capable to pay towards publick charges, they may except their polls, and so much of their estates as in their prudence they shall think fit and judge meet.

[SECT. 3.] And the justices in the general sessions, in the respective counties assembled, in granting a county tax or assessment, are hereby ordered and directed to apportion the same on the several towns in such county in proportion to their province rate, exclusive of what has been paid out of the publick treasury to the representative of such town for his service, and the fines set on the sundry towns as aforesaid; and the assessors of each town in the province are also directed, in making any assessment, to govern themselves by the same rule; and all estates, both real and personal, lying within the limits of such town or district, or next unto the same, not paying elsewhere, in whose hands, tenure, occupation or possession soever the same is or shall be found, and also the income or profits which any person or persons (except as before excepted) do or shall receive from any trade, faculty, business or employment whatsoever, and all profits that shall or may arise by money or other estate not particularly otherwise assessed, or commissions of profit in their improvement, according to their understanding and cunning, at one penny on the pound; and to abate or multiply the same, if need be, so as to make up the sum hereby set and ordered for such town or district to pay; and, in making their assessments, to estimate houses and lands at six years' income of the yearly rents whereat the same may be reasonably set or let for in the places where they lye: *saving* all contracts between landlord and tenant, and where no such contract is, the landlord to reimburse one-half of the tax set upon such houses and lands; and to estimate Indian, negro and molatto servants proportionably as other personal estate, according to their sound judgment and discretion; as also to estimate every ox of four years old and upwards, at forty shillings; every cow of three years old and upwards, at thirty shillings; every horse and mare of three years old and upwards, at forty shillings; every swine of one year old and upwards, at eight shillings; every goat of one year old and upward, at three shillings; and sheep, at the age aforesaid, at three shillings; likewise requiring the assessors to make a fair list of the said assessment, setting forth, in distinct columns, against each particular person's name, how much he or she is assessed at for polls, and how much for houses and lands, and how much for personal estate and income by trade or faculty; and the list or lists so perfected and signed by them, or the major part of them, to commit to the collector, constable or constables of such town or district, and to return a certificate of the name or names of such collector, constable or constables, together with the sum total to each of them respectively committed, unto himself, some time before the last day of October next.

[SECT. 4.] And the treasurer for the time being, upon the receipt of such certificate, is hereby impowered and ordered to issue out his warrants to the collectors, constable or constables of such town or district, requiring him or them, respectively, to collect the whole of each respective sum assessed on each particular person, before the last day of March next; and of the inhabitants of the town of Boston, to collect their proportion some time in the month of January next; and to pay in their collection, and issue their accompts of the whole, at or before the last day of May next, which will be in the year of our Lord one thousand seven hundred and thirty-nine.

*And be it further enacted by the authority aforesaid,*

[SECT. 5.] That the assessors of each town and district, respectively, in convenient time before their making the assessment, shall give seasonable warning to the inhabitants, in a town meeting, or by posting up notifications in some place or places in such town or district, or otherwise to notify the inhabitants to give in or bring to the assessors true and perfect lists of their polls and rateable estates; and if any person or persons shall neglect or refuse so to do, or bring in a false list, it shall be lawful to and for the assessors to assess such person or persons, according to their known ability in such town, in their sound judgment and discretion, their due proportion to this tax, as near as they can, agreeable to the rules herein given, under the penalty of twenty shillings for each person that shall be convicted by legal proof, in the judgment of the assessors, of bringing in a false list; the said fines to be for the use of the poor of such town or district where the delinquent lives, to be levied by warrant from the assessors, directed to the collector or constables, in manner as is directed for gathering town assessments, and to be paid in to the town treasurer or selectmen for the use aforesaid: *saving* to the party aggrieved at the judgment of the assessors in setting forth such fine, liberty to appeal therefrom to the court of general sessions of the peace within the county, for relief, as in case of being overrated. And if any person or persons shall not bring in a list of their estate as aforesaid to the assessors, he or they so neglecting, shall not be admitted to make application to the court of sessions for any abatement of the assessment laid on him.

Notification to be given of the assessment.

Persons to bring in a list.

Penalty in case of a false list.

[SECT. 6.] And if the party be not convicted of any falseness in the list, by him presented, of polls, rateable estate, or income by any trade or faculty, business or employment which he doth or shall exercise, or in gain by money at interest or otherwise, or other estate not particularly assessed, such list shall be a rule for such person's proportion to the tax, which the assessors may not exceed.

*And forasmuch*, as oftentimes sundry persons not belonging to this province, bring considerable trade and merchandize, and by reason that the rate or tax of the town where they come to trade or traffick is finished and delivered to the constable or collectors, and, before the next year's assessment, are gone out of the province, and so pay nothing towards the support of the government, tho' in the time of their residing here they reaped considerable gain by trade, and had the protection of the government,—

Preamble.

*Be it further enacted by the authority aforesaid,*

[SECT. 7.] That when any such person or persons shall come and reside in any town of this province, and bring any merchandize, and trade and deal therewith, the assessors of such town are hereby impowered to rate and assess all such persons according to their circumstances, pursuant to the rules and directions in this act provided, tho' the former rate may have been finished, and the new one not perfected, as aforesaid.

Transient traders to be rated.

Taxes may be  
paid in hemp  
or flax, &c.

*And be it further enacted by the authority aforesaid,*

[SECT. 8.] That the inhabitants of this province shall have liberty, if they see fit, to pay the several sums for which they may respectively be assessed at, as their proportion of the aforesaid sum of thirteen thousand pounds, in bills of publick credit of the new tenor, according to their several denominations, or in bills of the old tenor, in proportion of three to one, or in coined silver at six shillings and eightpence per ounce, Troy weight, or in gold coin at the rate of four pounds eighteen shillings per ounce, or in hemp or flax, the hemp to be received by the treasurer at fourpence per pound, and flax at sixpence per pound; which hemp and flax, as soon as conveniently may, shall be disposed of by the treasurer to the best advantage, for so much as it will fetch in bills of credit of either tenor, or for silver and gold; and if any loss shall happen by the sale of the aforesaid species, or by any unforeseen accident, such deficiency shall be made good by a tax of the next year, so as fully and effectually to call in the aforesaid sum of thirteen thousand pounds; and if there be a surplusage, it shall remain a stock in the treasury. And the constables or collectors are hereby enjoined to levy and collect all such sums committed to them, and to pay the same into the town treasury. [*Passed June 28.*]



# ACTS

PASSED AT THE SESSION BEGUN AND HELD AT BOSTON,  
ON THE TWENTY-NINTH DAY OF NOVEMBER, A.D.  
1738.

## CHAPTER 14.

AN ACT FOR BETTER SECURING THE VALUE OF THE BILLS OF PUBLIC CREDIT ON THIS PROVINCE.

WHEREAS the emission of great quantities of bills of publick credit, without certain provision for their redemption by lawful money in convenient time, have already stript us of all our money and brought them into contempt, to the great scandal of the government; and for the remedy thereof, this province have fixed the value of their bills in lawful money, and the time of their redemption in one thousand seven hundred and forty-one; yet the neighbouring governments, whose bills have been received by the inhabitants of this province promiscuously with our own, have taken no care to fix any certain value on theirs, and by that means our good intention may be frustrated unless special provision in this case be made,—

*Be it therefore enacted by His Excellency the Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

[SECT. 1.] That no person shall hereafter utter, or offer to put off, take or receive any bill or bills of credit on any of the neighbouring governments, that, since the first of May last, have been or hereafter shall be emitted, unless they are made redeemable by lawful money upon good security (and it so appear by the tenor and upon the face of the bill), within ten years after their first emission, on pain of forfeiting ten pounds for such bill so uttered or offered to be put off, or taken or received in payment of any debt, purchase of any goods, or for any valuable consideration whatsoever, to be recovered by action of debt, bill, plaint or information, in any court of record; one half to the use of him that shall inform and sue for the same, and the other half to the use of the poor of the town where the offence shall be committed.

Persons forbid to pass or receive bills on the neighboring governments, issued since May, 1738.

Penalty.

*And be it further enacted,*

[SECT. 2.] That any person that shall utter or receive any of the bills aforesaid, and shall first inform against and prosecute the other party concern'd therein, so that he be convict of uttering or receiving such bills, the said prosecutor or informer shall be indemnified from the penalty in this act, and shall likewise be intitled to one-half of the forfeiture as before expressed.

Encouragement to the informer.

*Provided,*

[SECT. 3.] That all suits or prosecutions for any breaches of this act shall commence within twelve months from the time the offence is committed. [Passed January 10: published January 13, 1738-39.]

Proviso.

## CHAPTER 15.

## AN ACT TO ENABLE CREDITORS TO RECEIVE THEIR JUST DEBTS OUT OF THE EFFECTS OF THEIR ABSENT OR ABSCONDING DEBTORS.

Preamble.

1723-29, chap. 3.

FOR the better preventing of frauds and deceit[s] too often designed and practised by ill-minded debtors, in betrusting and depositing their goods and effects in the hands of others, with intent to reserve and secure them to their own use and defeat their creditors of their just dues, withdrawing themselves out of the government, [and] [or] not being inhabitants within this province, and their goods and effects concealed so as they cannot be attached or made liable to the payment of their creditors by the ordinary process of law,—

*Be it enacted by His Excellency the Governor, Council and Representatives in General Court assembled, and by the authority of the same,*

Goods and effects of absent and absconding debtors to be attached;

—and subject to execution.

[SECT. 1.] That it shall and may be lawful[1] to and for any creditor to cause the goods or effects of his absent or absconding debtor, not residing within this province, to be attach[e]d, in whose hands or possession soever the same are or may be found; and the attaching of any part thereof shall secure and make the whole that is in such person's hands, liable in the law to respond the judgment to be recovered upon such process, if so much there be, and no further; and shall be subjected to be taken in execution for satisfaction thereof, or so far as the value thereof will extend; and the person in whose hands they are shall expose them accordingly.

*And be it further enacted by the authority aforesaid,*

Agent, &c., of an absent debtor to be summoned to court, in case no effects appear.

[SECT. 2.] That where no goods, effects or credits of an absent or absconding debtor, in the hands of his attorney, factor, agent or trustee, shall be exposed to view, or can be come at so as to be attach[e]d, it shall and may be lawful[1] to and for any creditor to file a declaration against his absent or absconding debtor in the clerk's office of the inferior court of common pleas in the same county where such creditor lives, therein particularly setting forth his debt and damage, how and for what cause it arises; and to cause the attorney, factor, agent or trustee of such absent or absconding debtor to be served with a summon[s] out of the office, annexed to the said declaration, fourteen days before the s[i]tting of the court, for his appearance at such court; which being duly served, and return thereof made under the officer's hand, shall be sufficient in the law to bring forward a trial without other or further summons, unless the debtor be an inhabitant or hath for some time had his residence within this province, in which case a like summons, with an attested copy of the declaration annexed, shall also be left at his dwelling-house, lodging or place of his last and usual abode; and such attorney, factor, agent or trustee, upon his desire shall be admitted to defend the suit, on behalf of his principal, throughout the course of the law; and an imparlance shall be granted, of course, at three courts successively, that he may have opportunity to notify his principal thereof; and at the fourth term, without special matter alledged and allowed in bar, abatement or further continuance, the cause shall peremptorily come to trial; and if judgment be rendered for the plaintiff, all the goods, effects or credits of the debtor's which are in the hands of such attorney, factor, agent or trustee, to the value of such judgment (if so much there be) shall be liable and subjected to the execution granted upon such judgment for or towards satisfying the same, and, from the time of serving the summons as aforesaid, shall be liable and secured in the law in his hands to answer the same, and may not be otherwise disposed of or converted.

Trial thereupon to be had.

Three imparlances to be granted.

Goods in such agent's hands exempt from execution on a judgment.

[SECT. 3.] And in case any attorney, factor, agent or trustee, from and after the time of his being served with summons and declaration as aforesaid, against his principal (being an absent or absconding debtor), shall transfer[r], remit, dispose of or convert any of the goods, effects or credits of such debtor, in his hands at the time of such service, so that there shall not be sufficient to satisfy the judgment, the debt being afterwards ascertained by judgment of court, or that shall not discover, expose and subject the goods or credits of the debtor, in his hands, to be taken in execution for or towards the satisfaction of the judgment, so far as what is in his hands will extend, shall be liable to satisfy the same of his own proper goods and estate, and as of his own debt; and a writ of *scire facias* may be taken out of the same court and served upon him, as the law directs, to appear and shew cause, if any he have, to the contrary; where, upon default of appearance or refusal to disclose upon his oath (which oath the justices of such court are impowered to administer) what goods, effects or credits of the debtor are in his hands, and to what value, and to expose and subject the same to the execution granted upon the principal judgment, if any goods, effects or credits be in his hands, then judgment shall be entred up against him of his own proper goods and estate, and execution be awarded accordingly.

Execution to be levied on agent's proper goods and estate, in case.

Agent to be put on oath.

*Provided, nevertheless,*

[SECT. 4.] That if the person so summoned as aforesaid, had or have not any goods, effects or credits of the debtor in his hands, nor anyways remitted, disposed of or converted the same, from and after the serving of the first summons, the party who commenced the suit shall pay and satisfy the reasonable cost and charges occasioned to such person, to be taxed in common form by the justices of the court.

*And be it further enacted by the authority aforesaid,*

[SECT. 5.] That the goods, effects or credits of any absent debtor so taken, as aforesaid, by process and judgment of law, out of the hands of his attorney, factor, agent or trustee, by any of his creditors, shall fully acquit and forever discharge such attorney, factor, agent or trustee, his executors or administrators, of, from and against all actions and suits, damages, payments and demands whatsoever, to be asked, commenced, had, claimed or brought by his principal, his executors or administrators, of and for the same; and if any attorney, factor, agent or trustee shall be molested, troubled or sued by his principal, for anything by him done in pursuance of this act, he may plead the general issue and give this act in evidence.

Agent to be acquitted and discharged.

*Provided,*

[SECT. 6.] This act shall continue in force for the space of ten years from the publication thereof, and no longer. [*Passed January 10; published January 27, 1738—39.*]

Limitation.

## CHAPTER 16.

AN ACT TO PREVENT NEAT CATTLE AND HORSES RUNNING AT LARGE AND FEEDING UPON THE BEACH ADJOINING TO THE EASTERN-HARBOUR MEADOWS IN THE TOWNSHIP OF TRURO IN THE COUNTY OF BARNSTABLE.

WHEREAS there is a certain tract or parcel[1] of meadows, called Eastern-Harbour Meadows, in the town of Truro, on which many of the inhabitants of said town yearly depend for their hay: and the said meadow l[i]e[s] adjoining to a long, sandy beach, on which no fence

Preamble.

can be made to stand; and, by reason of cattle and horses being turned thereon to feed, the beach grass is destroyed; and by reason thereof, in storms and high winds, the sand is driven from off the beach upon the meadows, and a great part of the meadow is already buried with the sand and become useless for grass, and the whole of said meadows are likely to be covered with sands, if not timely prevented; and the proprietors of said meadows have addressed this court for rel[e]i[e]f in the premises,—

*Be it enacted by His Excellency the Governor, Council and Representatives in General Court assembled, and by the authority of the same,*

Horses and cattle not allowed to feed on Truro Beach.

Penalty.

[SECT. 1.] That from and after the publication of this act, no person shall presume to turn or drive any neat cattle or horses upon the said beach to feed there, or leave them at large between said meadow[s] and Provincetown bounds, upon the penalty of forty shillings a head for all neat cattle, and for every horse or mare, so turned upon said beach to feed; which penalties shall be recovered by any one of the said proprietors, or their agents thereunto lawfully authorized: the one half of the said forfeiture to be to him or them that shall inform and sue for the same, and the other half to be to and for the use of the poor of the town of Truro.

*And be it further enacted by the authority aforesaid,*

Such horses may be impounded,

—and sold, in case.

[SECT. 2.] That it shall and may be lawful[1] to and for any of the owners or proprietors of the said meadows, if they shall find any cattle or horse-kind feeding upon the beach or meadows aforesaid, to impound the same, and to give publick notice thereof in the said town, and the two next adjoining towns, and shall rel[e]i[e]ve said creatures, while impounded, with suitable meat and water; and if the owner thereof appear, he shall pay ten shillings damage for each head of neat cattle or horse-kind so impounded, and costs of impounding the same; and if no owner appear within the space of six days to redeem the said cattle or horse-kind so impounded, and to pay damage and costs occasioned by impounding the same, then and in every such case the owner or proprietor of said meadow impounding such cattle or horse-kind, shall cause the same to be sold at publick vendue, for payment of the damage sustained by reason of such cattle or horse-kind feeding upon the beach or meadow aforesaid, as also to pay the costs and charges arising about the same (publick notice of the time and place of such sale being given forty-eight hours beforehand); and the overplus, if any be, arising by such sale, to be returned to the owner of such cattle or horse-kind at any time within twelve months next after, upon his demanding the same; but if no owner appear within the said twelve months, then the said overplus shall be one half to the party impounding, and the other half to the use of the poor of said town of Truro.

Limitation.

[SECT. 3.] This act to continue and be in force for the space of five years from the publication thereof, and no longer. [*Passed January 10; published January 27, 1738-39.*]

## CHAPTER 17.

AN ACT FOR ERECTING ALL THE LANDS WITHIN THE TOWN OF BOSTON, LYING ON THE NORTHERLY AND NORTH-EAST[ER]WARDLY SIDE OF THE HARBOUR (HERETOFORE CALLED WINNISIMMET, RUNNEY MARSH AND PULLIN POINT), CONTAINED IN A DIVISION OR DISTRICT OF SAID TOWNS, CALLED NUMBER THIRTEEN (EXCEPTING NODDLE'S ISLAND AND HOG[G] ISLAND), INTO A DISTINCT AND SEPARATE TOWNSHIP, BY THE NAME OF CHELSEA.

WHEREAS the inhabitants of the town of Boston, that dwell in the district called Winnisimmet, Runney Marsh and Pullin Point, lying on the northerly and north-easterly side of the harbour, have represented to this court, that they labour under great difficulties by reason of their remoteness from the body of the said town, and separated by the river, that renders their attendance on town meetings very difficult; *and whereas* they have a long time since erected a meeting-house for the publick worship of God, in that district, and have addressed this court that they may be set[t] off a distinct and sep[a][e]rate township[p].—

*Be it therefore enacted by His Excellency the Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

[SECT. 1.] That all the land[s] within the town of Boston, that lye on the northerly and north-easterly side of the harbour, and which heretofore were contained in that district of said town's, called Winnisimmet, Runney Marsh and Pullin Point, or otherwise called Number Thirteen (excepting only the said islands called Noddle's Island and Hog Island), be and hereby are set[t] off and constituted a sep[a][e]rate and distinct township[p] by the name of Chelsea, the bounds whereof being as follows; vizt., southerly on the harbour; westerly on Malden line, beginning at the mouth of Malden Cree[c]k, which cree[c]k is the bounds as far[r] as an island called Moulton's Island, to a stake and heap of stones on the salt marsh, about twenty feet from the river, at a little distance from the aforesaid island, and whereon the widow Mitchell now dwells; and from thence east-north-east, across the marsh, to a stake standing in the wall dividing Whittemore[s] and Daniel Watts's land, about forty feet from said marsh; and from thence, on the hill, to a stake standing in the wall of the aforesaid division-fence of Whittemore and Watts; and from thence, to a stake in the wid[d]ow Sergeant's land, marked B M, with an apple-tree standing by it, on the west side of a stone wall; from thence, to a large white-oak[c] tree standing at the north-east of the aforesaid widow Sergeant's land; from thence, to a large, old, white-oak tree in Thomas Pratt's land, marked B M; from thence, to a stake, with an heap of stones about it, in said Pratt's land; from thence, to a stake with an heap of stones about it, in the country road, against the south-west corner of Judge Dudley's farm; from thence, to a white-oak[e] tree at the north-east corner of Simon Grover's orchard; from thence, north-east-and-by-north, to a stake with an heap of stones about it, in Captain Oliver's low land; from thence, over the creek, to a small white-oak tree in Captain Oliver's land, now in possession of John Lathe; from thence, to a stake on the west side of the road, at the north or north-west corner of the barn of the abovesaid John Lathe; from thence, over the bridge, across the country road, up a great hill of rocks behind the house that Black Jack dwells in, to an old pitch-pine stump with an heap of stones about it, also a young[e] pitch-pine tree standing close by it, marked B M; from thence, to a cedar stake with a heap of stones about it, by Mr. Breeden's fence; from thence, to a black-oak stump

Runney Marsh, &c., constituted a town by the name of Chelsea.

Bounds of said town.



in the south-east corner of Lemuel Jenkins's land; from thence, to a black-oak tree, marked B M, standing in the division line between Jenkins' and Breeden's land; from thence, to a white-oak stump standing in a vall[e]y in the south-west corner of Berr[e]y's land; from thence, to a walnut tree standing in the division fence between Berr[e]y's and Jenkins', marked B M; from thence to another walnut tree standing in said division fence on the south side of an hill; from thence, to two old stumps, with an heap of stones between them, in the north-west corner of Berr[e]y's land; from thence, to an heap of stones, on the south side of an hill, between Breede[e]n's and Jenkins's land; from thence, to an heap of stones, on a great hill, on a rock; from thence, to an heap of stones between Ezekiel Jenkins' and Robert Emmes' land; from thence, to a heap of stones on a great rock; from thence, over the hill, to a hollow walnut-tree with two holes cut in it, marked B M, with a heap of stones about it; from thence, to an old black-birch tree standing in a swamp, marked B M; from thence, to an elm stump with an heap of stones about it; from thence, to an heap of stones on a knole; from thence, to an old white-oak[e] tree on the north side of Long Pond, marked B M; from thence, to an heap of stones on a hill in Thomas Douglass'[s] land; from thence, to a black-oak[e] tree, on a hill, by the side of a wall, marked B M; from thence, to a stump by the side of a wall, with a small oak tree by it marked B M; from thence, to a white-oak stump by the side of Squire's Brook; from thence, to a white-oak[e] tree marked B M; from thence, to a stake, on a hill, with an heap of stones about it, marked B R M, being the antient boundary between Boston, Reading and Malden, and is bounded upon Reading as follows; vizt., beginning at the aforesaid stake on the hill, called Tear-Britch Hill; from thence, north-west-and-by-north, to an heap of stones on a rock; from thence, to an heap of stones round an old stump; from thence, to a black-oak[e] tree marked B R; from thence, to an old maple stump in Ebenezer Nichols's orchard; thence, to an heap of stones on the side of an hill; from thence, to another heap of stones on the side of an hill; and from thence, running north-east-and-by-east, across low meadow land, to an heap of stones on an hill; from thence, to another heap of stones within sight of the three-county heap; from thence, to the three-county heap of stones, which is the antient boundary between Boston, Reading and Lynn, and is bounded upon Lynn, as follows; vizt., beginning at the antient bound mark, Brides Brook, where it runs across the road; and from thence, to an heap of stones on a rock in Baker's field; from thence, to an heap of stones by a small walnut tree, marked B L, in Baker's pasture; from thence, to a small black-oak[e] stump with a[n] heap of stones, in a pasture formerly Mariani's, now in the possession of Jonathan Wait; from thence, to a black-oak[e] tree on a little hill, marked B L, with an heap of stones, in Mr. Cheevers's land; from thence, to a white-oak stump, with an heap of stones, near a small white-oak[e] tree marked B L, in said Cheevers's land; from thence, to an heap of stones on a rock in said Cheevers's farm; from thence, to a white oak, marked B L, with an heap of stones in a little swamp; from thence, to an heap of stones on a flat[t] rock; from thence, to an heap of stones; from thence, to a crotched tree, marked B L, in the wall between Cheever's and Boardman's land, and so the line runs across a small rivulet, and to the door of the house of the said Boardman's, which is marked B L; and so through the stack of chimn[ie]y[s] in said house; from thence, across a small brook, to a stump of a walnut tree, with an heap of stones, in said Boardman's field; from thence to a walnut tree, marked B L, on the south side of an hill near Felt's house; from thence, to a rock, with an heap of stones, in land, called the six-hundred-acre right; from thence, to a black

oak[e] marked B L. with an heap of stones; from thence, to an heap of stones; from thence, to a tree marked B L. with an heap of stones; from thence, to an heap of stones near a walnut tree; from thence, to a walnut tree marked B L. with an heap of stones; from thence, to a small red oak[e] marked B L. with a[n] heap of stones; from thence, to an heap of stones on the side of an hill; from thence, to an old large white oak marked B L. with an heap of stones; from thence, to the great heap of stones called the three-county heap, about four rod and an half from the said tree, that being the antient boundary between the towns of Boston, Lynn and Reading; and is further bounded, northerly, on the salt water creek, and easterly, on the sea and Pullin-Point Gut[t].

*And be it further enacted,*

[SECT. 2.] That the inhabitants of said town be and hereby are accordingly endowed and vested with all powers, privile[d]ges, immunities and advantages which the inhabitants of any other towns in this province by law have and enjoy. [*Passed January 10; published January 27, 1738–39.*]

Privileges of the town.

## CHAPTER 18.

AN ACT FOR ERECTING A PLANTATION IN THE COUNTY OF WORCESTER, CALLED LAMBSTOWN, INTO A TOWNSHIP BY THE NAME OF HARDWICKE.

WHEREAS the plantation of Lambstown, so called, in the county of Worcester, is competently filled with inhabitants, who labour under divers inconveniences and difficulties for want of a power of enjoying and exercising town privile[d]ges among them, and have addressed this court setting forth the same and praying for rel[e]i[e]f therein,—

*Be it enacted by His Excellency the Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

[SECT. 1.] That the said plantation of Lambstown, inclusive of the additional grant, lying and being on both sides Wear River, as the same is hereafter bounded and described, be and hereby is constituted and erected into a separate and distinct township by the name of Hardwicke,—the bounds of said township being as follows; vizt., beginning at the east bank of Ware River, at the north-west corner of a tract of land laid out to James Hovey; from thence, extending south-erly, as that line runs, to Brookfield bounds; and from thence, easterly, as Brookf[e]i[e]ld bounds run, to the south-westerly corner of Brantry, six thousand acres; and from thence, extending north-westerly, bound- ing north-easterly on said six thousand acres, till the line comes to Ware River, and so over the river, the same course, till it come[s] to the corner of Brantry grant, and there strikes on Rutland line: then running north, thirty-nine degrees west, seventeen hundred and sixty perch; then south, forty degrees west, eighteen hundred perch; then south, one degree thirty minutes west, one thousand and thirty perch; then east, two degrees thirty minutes north, one thousand and five perch, to Ware River.

A new town constituted by the name of Hardwicke.

Bounds thereof.

[SECT. 2.] And that the inhabitants thereof be and hereby are vested and endowed with equal powers, privile[d]ges and immunities which any of the inhabitants of any of the other towns in this province are or by law ought to be vested with.

Privileges of the town.

Proviso.

*Provided, nevertheless,*

[SECT. 3.] That the inhabitants of said town do, within three years from the publication of this act, erect and finish a suitable and convenient meeting-house for the publick worship of God among them, they having already an orthodox minister set[t]led among them. [*Passed January 10 ; published January 27, 1738–39.*]

## CHAPTER 19.

AN ACT IN ADDITION TO AN ACT FOR THE RELIEF OF AND TO PREVENT THE OPPRESSION OF DEBTORS.

Preamble.  
1739-31, chap.  
13.

WHEREAS the merchandize, trade and business of New England, hath for many years past, till this time, been managed by bills of publick credit, as well on the neighbouring governments as on this province, which have by courtesy, promiscuously, served as a medium of exchange, and have been alike universally pass'd in all payments,—

*Be it therefore enacted by His Excellency the Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

Bills of the  
neighboring  
governments to  
answer special-  
ties to the cred-  
itor, being an  
inhabitant of  
such govern-  
ment.

That no inhabitant of this province, for any debt heretofore contracted, or hereafter to be contracted, with any of the neighbouring governments of New England, by specialty or otherwise, that may be discharged by the bills of publick credit on this province, shall be sued, or have his person or estate taken by mean process, or in execution, where such debtor shall tender the payment of his just debt in such bills, of publick credit on that government to which his creditor belongs, as were emitted before the twenty-fifth of March last, but such creditor shall be obliged to accept the same or be forever barred from any further demands of such debt, unless the creditor shall make oath that the debtor, *bona fide*, received, in consideration of the debt sued for, bills of credit on this province, either in whole or in part; in which case the debtor shall pay the same proportionably in such province bills. [*Passed January 26 ; published January 27, 1738–39.*]

Saving.

## CHAPTER 20.

AN ACT IN ADDITION TO AN ACT MADE IN THE ELEVENTH YEAR OF HIS MAJESTY'S REIGN, INTITLED "AN ACT TO ENABLE THE PROPRIETORS OF THE SEVERAL TOWNSHIPS LATELY GRANTED BY THE GENERAL COURT, TO RAISE MONEYS FOR DEFRAYING THE CHARGES OF SETTLING THE SAME."

Preamble.  
1738-39, chap. 6.

WHEREAS in and by said act provision is only made for the enforcing the payment of such sum or sums of money as shall be from time to time hereafter voted to be raised, which not being sufficient to answer or effect the end proposed,—

*Be it therefore enacted by His Excellency the Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

Lands of delin-  
quent propri-  
etors in the  
new towns to  
be sold for pay-  
ing taxes.

That when any grantee or proprietor of such new plantation or township, which is already or that shall hereafter be granted, where the conditions of the grant are not fulfilled, shall neglect or delay to pay unto the treasurer or committee of such township, such sum or sums of money as by the proprietors thereof have heretofore been voted to be raised, as

well as those that hereafter shall be voted to be raised, upon their lands or rights, for thirty days after such rate or tax is made or published as in and by said act is directed, and the sale be notified in the Boston Gazette twenty days before the same be made; the committee chosen by such new plantation or township, or the major part thereof, are hereby fully impowered to proceed in the sale of such delinquent proprietor's lands, as in and by said act is already made and provided. [Passed January 26; published January 27, 1738-39.]

## CHAPTER 21.

AN ACT FOR ISSUING OUT OF THE TREASURY THE SUM OF THREE THOUSAND FIVE HUNDRED AND THIRTY-EIGHT POUNDS TEN SHILLINGS AND THREEPENCE, IN BILLS OF THE NEW FORM AND TENOUR, THE SURPLUS IN SAID BILLS NOW REMAINING IN THE HANDS OF THE TREASURER, BEING THE BALLANCE, OR REMAINS, OF SUNDRY APPROPRIATIONS FORMERLY MADE AT SUNDRY TIMES BY THIS COURT, AND THEN RESERV'D FOR THEIR FURTHER ORDER; AND ALSO FOR ESTABLISHING THE WAGES OF SUNDRY PERSONS, &c., IN THE SERVICE OF THE PROVINCE.

*Be it enacted by His Excellency the Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

[SECT. 1.] That the wages of the captain of Castle William shall be after the rate of four pounds four shillings and eightpence per month, from November the twentieth, one thousand seven hundred and thirty-eight, to May the twentieth, one thousand seven hundred and thirty-nine; of the lieutenant, for that term, two pounds eleven shillings and fourpence per month; of the chaplain, two pounds one shilling per month; of the gunner, one pound ten shillings and ninepence per month; of the gunner's mate, one pound six shillings and eightpence per month; of the serjeant, seventeen shillings and tenpence per month; of six quarter-gunners, each seventeen shillings and tenpence per month; of three corporals, each sixteen shillings per month; of a drummer, sixteen shillings per month; of thirty centinels, each thirteen shillings and fourpence per month: for their subsistence, five shillings and tenpence per week, each man.

Establishment  
of wages for  
Castle William.

*And be it further enacted by the authority aforesaid,*

[SECT. 2.] That the wages of the captain of Richmond Fort, from the twentieth of November, one thousand seven hundred and thirty-eight, to May the twentieth, one thousand seven hundred and thirty-nine, shall be at the rate of one pound six shillings and eightpence per month; and of ten centinels, each thirteen shillings and fourpence per month; of one interpreter, two pounds per month; of one armourer, two pounds per month; one truck-master, at the rate of forty pounds per annum; and for the chaplain there, thirty-three pounds six shillings and eightpence per annum.

Richmond Fort.

*And be it further enacted by the authority aforesaid,*

[SECT. 3.] That the wages of the captain of the truck-house on George's River, from the twentieth of November, one thousand seven hundred and thirty-eight, to May the twentieth, one thousand seven hundred and thirty-nine, shall be at the rate of one pound six shillings and eightpence per month; of one lieutenant, seventeen shillings and tenpence per month; of one serjeant, seventeen shillings and tenpence per month; of two corporals, each sixteen shillings per month; of sixteen centinels, each thirteen shillings and fourpence per month;

Truck-house at  
George's River.

of one armourer, two pounds per month; of one interpreter, two pounds per month; of one truck-master, after the rate of forty pounds per annum; and to the chaplain there, after the rate of thirty-three pounds six shillings and eightpence per annum.

*And be it further enacted by the authority aforesaid,*

Brunswick  
Fort.

[SECT. 4.] That the wages of the commanding officer of the fort at Brunswick, from the twentieth of November, one thousand seven hundred and thirty-eight, to May the twentieth, one thousand seven hundred and thirty-nine, shall be seventeen shillings and tenpence per month; of six centinels, each thirteen shillings and fourpence per month.

*And be it further enacted by the authority aforesaid,*

Truck-house  
above North-  
field.

[SECT. 5.] That the wages of the captain of the truck-house above Northfield, from the twentieth of November, one thousand seven hundred and thirty-eight, to May the twentieth, one thousand seven hundred and thirty-nine, shall be at the rate of one pound six shillings and eightpence per month; of one lieutenant, seventeen shillings and tenpence per month; of one serjeant, seventeen shillings and tenpence per month; of one corporal, sixteen shillings per month; of sixteen centinels, each thirteen shillings and fourpence per month; the truck-master, at the rate of thirty-three pounds six shillings and eightpence per annum; of the chaplain there, at the rate of thirty-three pounds six shillings and eightpence per annum; and that there be allowed for the subsistence of each man, three shillings and fourpence per week.

*And be it further enacted by the authority aforesaid,*

Truck-house at  
Saco River.

[SECT. 6.] That the wages of the captain of the truck-house at Saco, from the twentieth of November, one thousand seven hundred and thirty-eight, to May the twentieth, one thousand seven hundred and thirty-nine, shall be at the rate of one pound six shillings and eightpence per month; of one lieutenant, seventeen shillings and tenpence per month; of one corporal, sixteen shillings per month; of thirteen centinels, each thirteen shillings and fourpence per month; of one armourer, two pounds per month; of one interpreter, two pounds per month; of the truck-master, at the rate of forty pounds per annum.

*And be it further enacted by the authority aforesaid,*

Country's  
sloop.

[SECT. 7.] That the wages of the captain of the sloop in the country's service, from the twentieth of November, one thousand seven hundred and thirty-eight, to May the twentieth, one thousand seven hundred and thirty-nine, shall be at the rate of two pounds per month; of the mate, one pound six shillings and eightpence per month; of the sailors, at twenty shillings per month each: for the sloop, six pounds thirteen shillings and fourpence per month.

*And be it further enacted by the authority aforesaid,*

Oath to be  
made to the  
muster-roll.

[SECT. 8.] That before payment of any muster-roll be allowed, oath be made by the officer or person presenting such roll, that the officers and soldiers borne on said roll, have been in actual service for the whole time they stand entered thereon.

*And be it further enacted by the authority aforesaid,*

£2,538 10s. and  
3d. in bills of  
the new tenor  
to be issued.

[SECT. 9.] That the treasurer be and hereby is impowered and ordered to issue forth and emit the said sum of three thousand five hundred thirty-eight pounds ten shillings and threepence, in bills of credit of this province, of the new tenour, now lying in his hands, received in by taxes, excise, &c., being the surplusage of sundry appropriations in former supplies, and then reserved for further order of this court, which shall be employed for the necessary support and defence of the government, and for the protection and preservation of the inhabitants thereof; viz., the sum of one thousand three hundred and thirty-four pounds one shilling and ninepence, part of the aforesaid sum of

£1,331 1s. and  
4d. appropri-



three thousand five hundred and thirty-eight pounds ten shillings and threepence, to be applied to pay the wages that now are or that hereafter may be due, by virtue of the establishment of Castle William, Richmond Fort, George's Truck-house, Saco Truck-house, Brunswick Fort, the block-house above Northfield, and the sloop in the country's service; and one thousand three hundred and forty-six pounds more, part of the aforesaid sum of three thousand five hundred and thirty-eight pounds ten shillings and threepence, shall be applied for the payment of such grants as are or shall be made by this court, and for the payment of stipends, bounties and premiums established by law, and for the payment of all other matters and things which this court have or shall, either by law or orders, provide for the payment of, out of the publick treasury, and for no other purpose whatsoever; and the sum of seven hundred and seventy-five pounds eight shillings and sixpence, part of the said sum of three thousand five hundred and thirty-eight pounds ten shillings and threepence, shall be applied for the discharge of other debts owing from this province to persons who have served or shall serve them, by order of this court, in such matters and things where there is no establishment nor any certain sum assigned for such service; and for paper, printing and writing for this court, the expences of committees of council, or of the house, or of both houses, entertainment of Indians, and presents made them by this court, the surgeons of Castle William and wooding of said castle.

anted for the Garrison, &c.

£1,546 for the payment of grants of court, stipends, bounties, premiums, &c.

£775 8s. and 6d. for the payment of debts, &c.

*And whereas* there are sometimes publick entertainments, and from time to time contingent and unforeseen charges, that demand prompt payment.—

*Be it further enacted,*

[SECT. 10.] That eighty-three pounds, part of the aforesaid sum of three thousand five hundred thirty-eight pounds ten shillings and threepence, be applied to defrey and pay such entertainments and contingent charges, and for no other use whatsoever.

£83 for contingent charges.

*And be it further enacted by the authority aforesaid,*

[SECT. 11.] That if there be a surplusage in any sum appropriated, such surplusage shall lye in the treasury for the further order of this court.

Surplusage to lie for further order.

*And be it further enacted by the authority aforesaid,*

[SECT. 12.] That each and every warrant for drawing money out of the treasury, shall direct the treasurer to take the same out of such sums as are respectively appropriated for the payment of such publick debts as the draughts are made to discharge; and the treasurer is hereby directed and ordered to pay such money out of such appropriations as directed to, and no other, upon pain of refunding all such sum or sums as he shall otherwise pay, and to keep exact and distinct accompts of all payments made out of such appropriated sums; and that the secretary, to whom it belongs to keep the muster-rolls and accompts of charge, be directed to lay before the house all such muster-rolls and accompts, when desired, after payment thereof.

Warrants to express the appropriation.

*And be it further enacted by the authority aforesaid,*

[SECT. 13.] That if it shall happen that any of the bills of the new tenor and form, by this act to be emitted, shall be outstanding and not paid in for taxes, &c., unto the constables or collectors of the publick taxes, or to the treasurer or other receivers of publick duties, that whosoever shall have any such bills in his hands or possession, may, at any time after the last day of December, which will be in the year of our Lord one thousand seven hundred and forty-two, bring them to the treasurer, and receive in exchange for every six shillings and eightpence of said bills, one ounce of silver, or the like value in gold, and proportionally for a greater or lesser sum; and the treasurer is

Bills outstanding after December, 1742, to be paid off in silver or gold.

hereby ordered to exchange them accordingly. [*Passed January 26; published January 27, 1738–39.*]

## CHAPTER 22.

AN ACT PROVIDING MORE EFFECTUALLY FOR BRINGING THE OUTSTANDING BILLS OF THE SIXTY-THOUSAND-POUNDS LOAN INTO THE TREASURY, ORDERED TO BE EMITTED IN THE YEAR 1727.

Preamble.

1727–28, chap. 17.

WHEREAS a considerable part of the bills of the s[ai]d sixty-thousand-pounds loan, issued out of the treasury, and distributed to the several towns within this province, according to an act made and passed in the first year of his majesty's reign, remain still outstanding, altho[ugh] the whole thereof, with the interest due thereon, ought by law to have been paid into the treasury in the month of May last; for the more effectual and speedy bringing in the same into the treasury again,—

*Be it enacted by His Excellency the Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

Such towns as neglect to pay their proportion of the £60,000 loan by the 1st of November, 1739, are to be assessed.

Method of the assessment.

[SECT. 1.] That in case any of the towns neglect, by their trustees or otherwise, to pay into the province treasury the whole sum of principal and interest due from them on such loan, on or before the first day of November next, the treasurer of this province be and hereby is authorized, directed and required, to send out his warrants to the selectmen or assessors of each town which shall have neglected to make payment as aforesaid, requiring them forthwith, upon receipt of the treasurer's warrants, to assess upon the inhabitants of such town, their polls, and estates both real and personal, such sum and part of said loan, together with the interest thereof, as shall be due from them; and in apportioning such assessments, they shall follow the same rules that are prescribed in the tax act then immediately preceding; likewise requiring the assessors to make a fair list of said assessment, according to the direction in said tax act; and the list or lists so perfected and signed by them, or the major part of them, to commit to the collectors, constable or constables of such town, and to return a certificate of the name or names of such collector, constable or constables, together with the sum total to each of them respectively committed, unto himself, sometime before the first day of February following.

[SECT. 2.] And the treasurer, for the time being, upon the receipt of such certificate, is hereby impowered and ordered to issue forth his warrants to the collectors, constable or constables of such town or district, requiring him or them, respectively, to collect the whole of each respective sum assessed as aforesaid, on each particular person, and to pay in their collection and issue the accounts of the whole, on or before the first day of May next ensuing. [*Passed January 26; published January 27, 1738–39.*]

## CHAPTER 23.

## AN ACT FOR THE MORE EFFECTUAL OBLIGING OF EXECUTORS TO INVENTORY THE ESTATE OF THEIR TESTATORS.

WHEREAS, notwithstanding the provision by law heretofore made, Preamble.  
executors many times refuse to inventory the estate of their testators, 1703-4, chap. 12.  
to the great disadvantage and injury of the creditors and legatees of  
the deceased,—

*Be it therefore enacted by His Excellency the Governour, Council and  
Representatives in General Court assembled, and by the authority of the  
same,*

That every executor that hath or shall take that charge upon him, and, Executors to  
give in an in-  
ventory.  
against the tenor of the law in that case provided, shall hereafter neg-  
lect to give in a full and true inventory of the whole estate of the  
deceased, so far as is then come to his hands or knowledge, being duly  
served with a citation from the judge of probate to that purpose, shall  
stand chargeable with all the debts and legacies of his testator, as his  
own proper debts; and, over and above the penalty already provided,  
shall forfeit the sum of one hundred pounds a month for every month's  
neglect thereof, to be recovered by any uncertain or residuary legatee  
of the said testator, by action of debt, bill, plaint or information in any  
court of record, and to be equally divided between the said uncertain  
and residuary legatees, excluding such executor from any part thereof.  
Penalty of £100  
for each  
month's neg-  
lect.  
[Passed January 26; published January 27, 1738-39.]

## CHAPTER 24.

AN ACT IN FURTHER ADDITION TO AN ACT, INTITLED "AN ACT FOR  
THE DUE REGULATION OF WEIGHTS AND MEASURES," MADE IN THE  
FOURTH YEAR OF THE REIGN OF THEIR LATE MAJESTIES KING WIL-  
LIAM AND QUEEN MARY.

*Be it enacted by His Excellency the Governour, Council and Repre-  
sentatives in General Court assembled, and by the authority of the  
same,*

[SECT. 1.] That each town within this province, shall, within six Towns to be  
furnished with  
wine measures.  
months next after the publication of this act, be further provided with  
one wine-gallon and one wine-quart, to be kept and used only as stand-  
ards in such towns; and the selectmen of every such town, whose  
standards of beams, weights and measures have not, within three years  
last past, been tried and proved by the province standards, shall, on or  
before the first day of June next, send all the beams, weights and  
measures, which such town is, either by this or any former act, obliged  
to keep as standards, into the province treasury, and there have  
them tried, proved and sealed as the law directs, on penalty of for-  
feiting the sum of fifty pounds; one moiety to his majesty towards the  
support of the government within this province, and the other half to  
him or them who shall inform and sue for the same. And every town  
shall once in every five years have their standards tried and proved by  
the publick standards, on penalty of forfeiting the like sum of fifty  
pounds for the uses aforementioned: the forfeitures and penalties afore-  
mentioned to be recovered by action, bill, plaint or information, in any  
of his majesty's courts of record within this province, or by present-  
Standards of  
weights and  
measures to be  
tried anew.  
Penalty.

ment of the grand jury, who are required to present all breaches of this act.

*Provided, always,*

Proviso for  
county stand-  
ards.

[SECT. 2.] That in case the justices of the peace, at their sessions in either of the counties within [this]\* province, shall, at the charge of such county, procure for standards, a beam and all such weights and measures, as are directed by law to be kept in the province treasury, and shall, once every five years, try and prove them by the province standards; any town may have their standards tryed and proved by the standards of the county wherein such towns lye, and it shall be accounted as sufficient and valid as if tryed and proved by the province standards: the said standards to be kept by the county treasurer, who shall have the same fee for proving and sealing weights and measures as is by law allowed to the province treasurer.

*And be it enacted by the authority aforesaid,*

Town sealers  
to issue out  
their warrants  
for bringing  
weights and  
measures to be  
sealed.

[SECT. 3.] That the sealer duly appointed in each town within this province, from time to time, is hereby directed and impowered, instead of sending out his warrant in the month of April, to send forth his warrant sometime in the month of May, annually, to the constable or constables, requiring him or them to warn all the inhabitants of such towns, to bring in both the great and small beams, weights and measures which they make use of, at such time and place as he shall appoint; and such constables are hereby obliged, within six days after having received such warrant, to warn all the inhabitants and return to the sealers a list of all persons so summoned.

Penalty for  
sealer's or con-  
stable's neg-  
lect.

[SECT. 4.] And each sealer and constable neglecting his duty herein, shall, for each neglect, forfeit and pay the sum of forty shillings, to be levied, by distress, by warrant from any justice of the peace of the county where the offence is committed.

*And be it further enacted by the authority aforesaid,*

Penalty for not  
bringing in  
weights and  
measures to be  
sealed.

[SECT. 5.] That if any person shall refuse or neglect to bring or send in his beams, weights and measures to the sealers, in order to be tryed and proved by the town standard, for the space of seven days next after legal warning has been given such person for that purpose, every person so offending shall forfeit and pay the sum of forty shillings; one moiety thereof to the poor of the town where such offence shall be committed, and the other moiety to the sealer, who is hereby obliged to inform and sue for the same: to be heard and determined by one or more of his majesty's justices of the peace of the county where the offence shall be committed.

*And whereas,* it hath been found that the fees already allowed by law to the sealers of weights and measures are insufficient,—

*Be it enacted by the authority aforesaid,*

Aditional fees  
to the sealer.

[SECT. 6.] That every sealer shall be paid by the owners of all such beams, weights, scales and measures, as shall be by said sealer found not conformable to the town standard, one penny over and above what is already allowed by law for each beam, weight and measure, and also one penny for every beam, weight and measure which shall be found conformable to the town standard upon his trying and proving them.

*And be it further enacted by the authority aforesaid,*

Fine for expos-  
ing to sale  
weights, beams,  
and measures  
not sealed.

[SECT. 7.] That if any persons shall, after the publication of this act, sell or expose to sale any other beams, weights or measures than such as have been tryed, proved and sealed according to law, shall forfeit and pay the sum of forty shillings for each offence, for the uses as last beforementioned, and to be heard and determined by one or more of his majesty's justices of the peace.

\* In the first impression, "this" is omitted, but it appears in subsequent editions.

*And it is hereby further ordered and declared,*

[SECT. 8.] That the several acts for regulating weights and measures, be publicly read in each town, at their anniversary meeting in March, from time to time. [*Passed January 26; published January 27, 1738-39.*]

Acts about weights and measures to be read in the March meetings

## CHAPTER 25.

### AN ACT TO PREVENT THE UNNECESSARY JOURNEYING OF THE MEMBERS OF THE GENERAL COURT.

WHEREAS of late there has been too great neglect in the sheriffs in not taking due care seasonably to disperse to and among the several towns, the proclamations for proroguing and dissolving the great and general courts or assemblies, whereby many of the members of said court have been put to unreasonable trouble and expence; for remedy whereof,—

Preamble.  
1727-28, chap. 15

*Be it enacted by His Excellency the Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

[SECT. 1.] That the secretary shall from henceforth, immediately after any such prorogation or dissolution of the great and general court or assembly, cause a sufficient number of the said proclamations (the same being first printed off) to be safely conveyed and delivered to the sheriff of the county of Suffolk, who, upon receipt thereof, shall forthwith take care that the several towns within his precinct be served with the same; and shall likewise use the best method he can that the several sheriffs within this province have each of them so many of the said proclamations as may be needful[1] for the several towns within their respective counties, who are hereby alike enjoyned, upon [*the*] receipt thereof, effectually to disperse the same to every of the towns, for the ends aforesaid.

Sheriff of Suffolk to transmit proclamations to the other sheriffs.

Sheriffs to disperse the proclamations in their counties.

[SECT. 2.] And every sheriff shall be allowed and paid for his trouble and charge, in sending out the aforesaid proclamations, out of the treasuries of the said counties respectively, what shall be adjudged reasonable by the respective courts of general sessions of the peace: the sheriff of the county of Suffolk to be paid for transmitting the proclamations, to the other sheriffs within this province, out of the publick treasury. And every sheriff neglecting his duty in any of the particulars aforementioned, shall forfeit and pay the sum of ten pounds, to be recovered by bill, plaint or information, in any of his majesty's courts of record; the one half to be for and towards the support of [*the*] [this] governm[en]t, and the other half to him or them that shall inform and sue for the same.

Penalty for neglect.

[SECT. 3.] This act to continue and be in force for the space of five years, and no longer. [*Passed January 26; published January 27, 1738-39.*]

Limitation.



## CHAPTER 26.

AN ACT IN FURTHER ADDITION TO AN EXPLANATION OF THE ACT, ENTITLED "AN ACT FOR REGULATING TOWNSHIPS, CHOICE OF TOWN-OFFICERS," &c.

Preamble.

1692-3, chap. 28.  
1735-36, chap. 8.

WHEREAS, in and by an act made in the fourth year of the reign of King William and Queen Mary, intituled "An act for regulating of townships, choice of town officers, and setting forth their power," the freeholders and inhabitants of each town, who are rateable at twenty pounds estate to one single rate besides the poll, are impowered to assemble and to give their votes in the choice of town officers, in the month of March, annually, but no rule of valuation is therein prescribed, whereby such estate, qualifying to vote as aforesaid, shall be estimated; nor is it declared whether the like estate shall qualify a voter in other town affairs; and there being no law of this province expres[s]ly setting forth and ascertaining the qualifications of voters in precinct[s] and parishes, by reason of which many doubts and controversies have arisen; for preventing whereof for the future,—

*Be it enacted by His Excellency the Governor, Council and Representatives in General Court assembled, and by the authority of the same,*

Qualifications  
of voters in  
town and pre-  
cinct meetings.

[SECT. 1.] That henceforward no person shall be deemed duly qualified, or be admitted to vote in the choice of officers, or in the other affairs to be transacted, at any meeting of the town, precinct or parish where he dwells, but such only who are personally present at such meeting and have a rateable estate in such town or district, besides the poll, amounting to the value of twenty pounds, by the following method of estimation; viz., real estate to be set at so much only as the rents or income thereof, for the space of six years, would amount to were it let at a reasonable rate; and personal estate and faculty to be estimated according to the rule of valuation prescribed in the act; from time to time, made for apportioning and assessing publick taxes.

*And be it further enacted by the authority aforesaid,*

Method for de-  
termining dis-  
putes as to the  
qualification of  
voters.

[SECT. 2.] That when any dispute shall arise respecting the qualification[s] of any person offering his vote in any such publick meeting, the same shall be determined by the moderator of such meeting, according to the list and valuation of estates, and faculties, of persons in such town or district last made by assessors under oath; and if it thereby appear that such person is not qualified as by this act is provided, his vote shall not be received: *provided*, that the value of lands leased, shall not be reckoned to qualify the ter-tenant, but to qualify the lessor if he be an inhabitant in such town, precinct or parish: *provided, also*, that when such dispute shall happen to arise in any town, precinct or parish meeting before a moderator shall be chosen, in such case the major part of the selectmen then present, or of the precinct or parish committee, shall respectively determine the same in manner as aforesaid; and the assessors of each town and district are hereby required to lodge with the clerk of their respective towns and districts, an attested copy of such their list and valuation, from year to year, which he shall produce for the purpose aforesaid, as there shall be occasion; and every assessor belonging to such town or precinct where the inhabitants are not usually doomed, neglecting his duty herein, shall forfeit and pay the sum of forty shillings, to be recovered before any of his majesty's justices of the peace of the same county.

*And be it further enacted by the authority aforesaid,*

[SECT. 3.] That if the moderator of any such meeting shall countenance and permit any person, not qualified as aforesaid, whose qualification for voting has been called in question, to give his voice in any such meeting, he shall forfeit and pay the sum of five pounds; and whoever shall presume to put in more than one vote at a time shall forfeit and pay the sum of five pounds: one moiety of the said forfeitures to be for the use of the poor of the town where the offence shall be committed, and the other moiety to him or them that shall inform or sue for the same in any of his majesty's courts of record.

Fine for moderator's allowing unqualified persons to vote.

*And whereas,* several towns in the province do not give in an exact account of their rateable estate, and so the assessors are obliged to doom the inhabitants according to the best of their skill and judgment, whereby the qualification of voters in such places may be more difficult to come at; wherefore,—

Preamble.

*Be it enacted by the authority aforesaid,*

[SECT. 4.] That where a full invoice and valuation of the rateable estates in any town or district is not taken, and the assessors on oath do doom the inhabitants, those persons only shall be allowed to vote who are rated two third parts so much for their estates and faculties as for one single poll in the last tax of such town or district respectively.

Voter's qualifications where the inhabitants are doomed.

*Provided, always,*

[SECT. 5.] That nothing in this act shall be interpreted to exclude any persons from the privilege of voting in the choice of representatives, who are duly qualified therefor according to the royal charter.

[SECT. 6.] This act to continue for the space of three years, and no longer. [*Passed January 26; published January 27, 1738-39.*]

Limitation.

## CHAPTER 27.

### AN ACT MORE EFFECTUALLY TO SECURE THE DUTY ON THE IMPORTATION OF NEGROES.

**WHEREAS** the payment of the duty of four pounds per head, laid upon negroes imported into this province, is often evaded by bringing them in a clandestine manner; for remedy whereof,—

Preamble.  
1728-29, chap. 16.

*Be it enacted by His Excellency the Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

[SECT. 1.] That henceforth the master of any ship or vessel whatsoever, that shall bring into this province any negro or negroes, shall be obliged to give in, upon oath, a true account or list of the negroes he has on board, or brought with him, on penalty of one hundred pounds for failure therein, or for giving a false list, besides the duty of four pounds per head already provided for by law.

Masters of vessels to give in a list of negroes.  
1705-6, chap. 16.  
1728-29, chap. 16.  
Penalty.

*And whereas,* negroes are frequently landed in the neighbouring provinces or colonies, and brought thence into this province in order to save the duty,—

*Be it enacted by the authority aforesaid,*

[SECT. 2.] That whosoever shall purchase or bring into any town of this province, as aforesaid, any negro or negroes for which the duty has not been already paid within this province, shall be obliged, within fourteen days after the said negroes being so brought in, to make an entry with the clerk of the town where the said negro shall be brought, and to pay the duty of four pounds per head to the said clerk, to be by him transmitted to the commissioner of impost in Boston, on penalty

Penalty for bringing in negroes by land, and not entering them.

of eight pounds, to be paid for each negro not entred as is hereby required, to be recovered by action, bill, plaint or information in any of his majesty's courts of record, by the said town clerks respectively; one-half thereof to his majesty for the use of this province, one-fourth to the town clerk, who shall sue for and recover the same, and one-fourth to the poor of the town where the forfeiture is made: *provided*, the prosecution be within twelve months after the bringing in of such negro or negroes.

*And be it further enacted,*

Drawback for  
negroes that  
die, &c.

[SECT. 3.] That from and after the publication of this act, the duty paid for any negroes who shall die within the space of six months from the time of their importation, shall be drawn back by the owner of such negroes.

Limitation.

[SECT. 4.] This act to continue in force for the space of ten years, and no longer. [*Passed January 26; published January 27, 1738-39.*]

## CHAPTER 28.

AN ACT FOR ERECTING A TOWNSHIP, IN THE COUNTY OF YORK, BY THE NAME OF BRUNSWICK.

Preamble.

WHEREAS there is a competent number of inhabitants already set[t]led upon a tract of land lying within the county of York, hitherto called and known by the name of Brunswick, containing the quantity of about six miles square, and lying convenient for a township; and whereas, said inhabitants have humbly petitioned this court that, in order to provide a suitable maintenance for the minister set[t]led among them, they may be erected into a township and vested with the powers and authorities belonging to the other towns; therefore, for encouragement of s[ai]d settlement,—

*Be it enacted by His Excellency the Governor, Council and Representatives in General Court assembled, and by the authority of the same,*

A new town  
constituted by  
the name of  
Brunswick.

Bounds of said  
town described.

[SECT. 1.] That the said tract of land, described in a plat now returned to this court, as follows: beginning at the mouth of a brook or rivulet called Bungamunganock, running into Maquoit Bay, where it touches upon North Yarmouth line, and from the mouth of said brook to run upon a course north-north-west, half-westerly, five miles into the wilderness, leaving a wedge or strip of land between said line and North Yarmouth; and from thence, upon a course north-east four miles, to the second falls of Amascoggin, *alias* Androscoggin River; from thence, down said river by Fort George, and down Merry-Meeting Bay so far as Stephens's carrying-place, including several small islets lying in said river above said carrying-place, and over said carrying-place to the head of the creek or river that runs up to the other side of the said carrying-place; thence, down said creek or river to the mouth thereof, including an island therein, and from the mouth of said river to run by the water-side, south-westerly, to the south-west point of a place called the new meadows; thence, to strike across the cove, upon a course north-north-west, till it meets and intersects the upper end of Merryconeeg neck, four rods above the narrows of said neck, commonly called the carrying-place; thence, to run along the shore to a neck of land called Mare Point, about a mile and a quarter down said neck; thence, to cross over said Mare Point and Maquoit Bay, upon a course north-west, till it comes to the place first abovementioned; be, and henceforth shall be, a township, to be called Brunswick.

[SECT. 2.] And the inhabitants thereof shall have and enjoy all such immunities, privile[d]ges and powers as generally other towns in this province have and do, by law, enjoy. [*Passed January 26; published January 27, 1738-39.*]

NOTES.—The first session of the General Court, this year, was prorogued, on the 29th of June, to October 11. No record of a subsequent prorogation has been found; nor is there any record of the meeting of the Assembly, until November 29, which is, therefore, taken to be the beginning of the second session. The former chief clerk in the State-Paper Office, Mr. Robert Lemon, who, in 1846, transcribed for the Commonwealth the 17th volume of the minutes of the Assembly, makes the following memorandum on page 290 of the first book of that volume:—

"I have been unable to find any Minutes of the Great and General Court from the 11th of October 1738, to which day it was prorogued on the 29th of June 1738. The Minutes of the Session commencing on the 31st of May 1738 and ending on the 29th of June following, were transmitted to the British Government, by Mr Willard the Secretary, on the 18th of December in that year by the following letter to Thomas Hill Esq:—

"Sir, By the Ship New Cambridge Cpt. Morris I have sent you the Publick Papers out of my Office, for the last Half Year ending with August last, viz: Copies of the Minutes of Council for that Term, and of the Minutes of Assembly for the Session held May 31, 1738, with the Acts or Laws pass'd in that Session; as also the Treasurer's account made up the last year, which was not signed by the Govern<sup>r</sup> till lately, which was the reason you had it not before. You will please to lay these Papers before the Right Hon<sup>ble</sup> the Lords Commissioners for Trade and Plantations, as usual.

I am, Sir, Your most obedient humble Servant

JOSIAH WILLARD.

Boston, Decemb<sup>r</sup> 18, 1738."

\*He then proceeds to argue that the omission in the above letter of any mention of the Assembly's doings subsequent to the end of the May session, is not conclusive that there were no such proceedings; but, as his argument is founded upon an evident mistake, it can have no weight as against the very strong presumption which the records furnish that there could have been no session between June 29 and November 29. Indeed, the following conclusion of his memorandum, taken in connection with all other circumstances pointing the same way, seems to leave no doubt that the session beginning November 29 was the second session:—

"It is, however, to be remarked that at the only two Councils held in the Month of October 1738; viz: on the 12th and 28<sup>th</sup> the Minutes are entered without the words '*Sitting the General Assembly*,' which were customary to insert at all Councils held during the Sitting of that Court."

The second session was continued, by adjournment, to April 19, 1739, when, after a session of seven days, during which no acts were passed, the Assembly was dissolved.

The engrossments of the acts of this year are preserved, except of chapters 6, 13, 14, 19, 21, 24 and 27; and all, except chapters 12 and 13, were printed with the sessions acts.

The agent of the Province delivered the acts of the first session to the clerk of the Privy Council, July 12, 1740; and, on the 31st of the same month, the Lords Justices referred them to the committee on plantation affairs, who, in turn, referred them to the Board of Trade, August 13, 1740.

No record of the receipt of the acts of the second session has been discovered; but the acts of both sessions appear to have been submitted to Mr. Fane, July (September?) 3, 1740. On the 14th of November, following, Mr. Fane made separate reports upon the acts of the two sessions, stating that he had "no objection in point of law" to any of them.

The Lords of Trade made their "representation" to the committee of the Privy Council, June 30, 1742, setting forth that chapters 2, 3 and 13 "have had their effect"; that chapters 1, 4, 5 and 12 "are temporary, and are now expired"; and that chapters 6, 7, 8, 9, 10 and 11 "relate to the Economy of the Province and are enacted for their private convenience"; and they add that they "see no reason why His Majesty may not be graciously pleased to confirm them." Accordingly the six acts last enumerated were confirmed by an order in council dated July 29, 1742.

No representation, or order in council, affecting the acts of the second session has been discovered.

Chap. 8.—"February 4, 1736-7 In the House of Represent<sup>es</sup> Voted That Mr Speaker & Mr Cooke with such as shall be Joined by the Hon<sup>ble</sup> Board be a Comm<sup>tee</sup> to build a suitable & convenient House on Rainsfords Island lying between Long Island & the main Land near the Town of Hull to be used & Improved as a publick Hospital for the Reception & Accomodation of such sick & infectious persons as shall be sent there by Order—In Council: Read & Concur'd & William Dudley & Sam<sup>l</sup> Welles Esq<sup>r</sup> are Joined in the Affair.—

Consented to, J. BELCHER "

—Council Records, vol. XVI., p. 454.

"October 18 1737. In the House of Represent<sup>es</sup> Read and Ordered that the present Select men of the Town of Boston be and hereby are fully authorized and appointed a Committee to treat with some suitable person to keep the Hospital lately built by Order of this Court at Rainsford's Island, for the reception of the sick and infectious persons, and that the said person be desired and impowered to take all proper care of such Persons as shall be sent to the said Hospital, for twelve months next; And that the Committee agree with the Person for taking care of the sick & for his time and service therein for the year; And that they render an account of their doings in the premises with an account of the Issues

and Profits which may arise by the produce of the Island the next season, to this Court, in the Fall Sessions of the next year.

—*Ibid.*, vol. XVII., b. 1, p. 38.

"June 21, 1738 In the House of Represent<sup>es</sup> Ordered that the Select Men of the Town of Boston be and hereby are fully authorized and impowered to agree with some suitable Person to keep the Hospital, lately built by Order of this Court at Rainsfords Island for the reception of sick and infectious Persons; and that the said person be desired and impowered to take all proper care of such persons as may be sent to the said Hospital; and that the said Select Men be impowered to agree with the Person who may take care of the sick &c for his time and service therein, by the year. In Council; Read and Concur'd.

Consented to J. BELCHER"

—*Ibid.*, p. 244.

For further particulars on this subject, see Shurtleff's *Historical and Topographical Description of Boston*, p. 524, et seq.

*Chap. 15.* "— which Acts [this chapter and 1742-43, chap. 34] do not appear to us to have been ever laid before His Majesty as they ought to have been pursuant to the directions of the Charter of the said Province granted by King William & Queen Mary.

As it appears however from the annex'd Copies of the said Acts, transmitted to us by the Secretary of the said Province that they were enacted only for their private convenience, We see no reason why His Majesty may not be graciously pleased to confirm the above mentioned three Acts" — reviving and continuing the above. — *Report of the Lords of Trade to the Lords of the Committee of the Privy Council, June 4, 1752*: "*Mass. Bay B. T.*," vol. 84, p. 261.



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ACTS,  
PASSED 1739-40.

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# ACTS

PASSED AT THE SESSION BEGUN AND HELD AT BOSTON  
ON THE THIRTIETH DAY OF MAY, A.D. 1739.

## CHAPTER 1.

AN ACT TO PREVENT THE SPREADING OF THE SMALL-POX OR OTHER  
INFECTIOUS SICKNESS.

WHEREAS the inhabitants of sundry towns in this province are often exposed to the infection of the small-pox and other malignant, contagious distempers, by persons coming from the neighbouring governments visited with such infectious sickness, and by goods transported hither that carry infection with them,—

Preamble.  
1701-2, chap. 9

*Be it therefore enacted by His Excellency the Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

[SECT. 1.] That any person or persons coming from any place, in either of the neighbouring colonies or provinces, where the small-pox or other malignant infectious distemper is preva[i]ling, into any town within this province, who shall not, within the space of two hours from their first coming, or from the time they shall first be informed of their duty by law, in this particular, give notice to one or more of the selectmen or town clerk of such town, of their coming thither, and of the place from whence they came, shall forfeit and pay the sum of twenty pounds; and if any person or persons coming into any town of this province, from any such place visited with the small-pox or other infectious sickness, shall not, within the space of two hours, after warning given him or them for that purpose, by the selectmen of such town, depart out of this province, in such case it shall and may be lawful for any justice of the peace of such county, by warrant directed to a constable or other proper officer, to cause such person or persons to be removed, with any their goods that may probably give infection, unto the colony or government from whence they came; and any person remov'd by warrant as aforesaid, who, during the prevalency of such distemper, shall presume to return into any town of this province, without liberty first obtained from such justice, or from the selectmen of such town, shall forfeit and pay the sum of one hundred pounds.

Persons coming into any town from infected places to give notice, on penalty.

Such persons to depart when warned.

Persons from infected places to be removed, with their goods.

Not to return without leave, on penalty.

*And be it further enacted by the authority aforesaid,*

[SECT. 2.] That any inhabitant of this province, who shall entertain in his house any person warned to depart as aforesaid, by the space of two hours after notice given him or her by one or more of the selectmen, of such warning, shall forfeit and pay the sum of twenty pounds.

Inhabitants not to entertain them, on penalty.

Selectmen to appoint persons to attend at the ferrics, for preventing infection.

*And be it further enacted by the authority aforesaid,*

[SECT. 3.] That it shall and may be lawful for the selectmen of any town or towns near to or bordering on either of the neighbouring governments, to appoint, by writing, under their hands, some meet person or persons to attend at ferrys, or other places, by or over which passengers and travellers coming from such infected places may pass or be transported; which person or persons, so appointed, shall have power to examine such passengers and travellers as they may suspect to bring infection with them, and, if need be, to hinder and restrain them from travelling till licensed thereto by a justice of the peace within such county, or by the selectmen of the town into which such person or persons shall come; and any passenger, who, coming from such infected place, shall, without license as aforesaid, presume to trav[e][ai]l or abide in this province after they shall have been cautioned and admonished, by the person or persons appointed as aforesaid, to depart, shall forfeit and pay the sum of twenty pounds, and be removed thence by warrant as aforesaid.

[SECT. 4.] The several forfeitures arising by virtue of this act, to be one moiety to and for the use of the town where the offence shall be committed; the other moiety to him or them who shall inform and sue for the same, in any of his majest[y][ie]'s courts of record within this province.

Continuance of the act.

[SECT. 5.] This act to continue and be in force for the space of three years, and no longer. [*Passed June 15; published June 16.*]

## CHAPTER 2.

AN ACT FOR GRANTING THE SUM OF TWELVE HUNDRED POUNDS, FOR THE SUPPORT OF HIS MAJESTY'S GOVERNOUR.

*Be it enacted by His Excellency the Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

That the sum of twelve hundred pounds, in bills of publick credit on this province, of the new tenour, be and hereby is granted unto his most excellent majesty, to be paid out of the publick treasury to his excellency Jonathan Belcher, Esqr., captain-general and governour-in-chief in and over his majesty's province of the Massachusetts Bay, to enable him to go on in managing the publick affairs. [*Passed June 20.*]

## CHAPTER 3.

AN ACT IN ADDITION TO AN ACT ENTITLED "AN ACT FOR THE BETTER PRESERVATION AND INCREASE OF DEER WITHIN THIS PROVINCE."

Preamble.  
1698, chap. 21,  
(10 W. III.)  
1717-18, chap. 12.

WHEREAS the penalties already provided in and by an act pass'd in the [tenth] [third] year of the reign of King William the Third, entitled, "An act for the better preservation and increase of deer, within this province," have proved ineffectual to answer the good ends in said act proposed,—

*Be it enacted by His Excellency the Governor, Council and Representatives in General Court assembled, and by the authority of the same,*

Penalty for killing deer, &c., out of season.

[SECT. 1.] That, for the future, whoever shall be convicted of killing any buck, doe or fawn, or of having the flesh or raw skin of

any such, at any time from and after the tenth day of December, till the first day of August, shall, for each buck, doe or fawn so killed, and for each skin, or the flesh of any deer (killed within the term aforesaid) found in his possession, forfeit and pay the sum of ten pounds; one moiety thereof unto his majesty for the support of this government, and the other moiety to him or them who shall inform and sue for the same. And, if the offender be unable or refuse to pay the fine by this act imposed, it shall be in the power of the court that shall have cognizance of the offence, to punish such offender by imprisonment by the space of thirty days, or by enjoining him to make satisfaction by work, as in said act is provided, for the space of two months, as the said court shall order.

And for the better discovery of the persons who shall presume to offend against this act,—

*Be it further enacted by the authority aforesaid,*

[SECT. 2.] That, besides the method already prescribed in the aforesaid act for the discovery and conviction of such offenders, the testimony of two credible witnesses, on oath, against any person or persons for breach of this act, shall be deemed sufficient proof, altho' their testimony should relate to different facts: *provided*, there be not more than two months between the facts concerning which such witnesses declare.

Proof of the fact.

*And be it further enacted by the authority aforesaid,*

[SECT. 3.] That any one of his majesty's justices of the peace shall have power, and is hereby authorized, upon complaint or information to him made of any breach of this act, to grant a warrant as well for searching the house or houses of suspected persons for the flesh or skin of any buck, doe or fawn that hath been killed, contrary to this act, as to conven[e][t] before him any person or persons complained of, and to grant summons for witnesses to appear before him, to be examined on oath, as to their knowledge touching the fact or facts refer'd to in such complaint, and, upon just ground of suspicion, to bind over the person or persons complained of to the next court of general sessions of the peace in the county where the offence is alledged to be committed, to answer such complaint; and any person refusing to give evidence at the trial of such as may be presented, indicted or complained of for any violation of this act, shall be liable to the same penalty as the person indicted or complained of is liable to, in case he shall be convict: the several fines and forfeitures before-mentioned, to be recovered by action, bill, plaint or information, in any of his majesty's courts of record within the respective counties where such offence shall be committed, or by presentment of the grand jury, who are hereby strictly enjoined to present all breaches of this act.

Justices to have power to grant warrant for searching houses and convening persons, &c.

Persons refusing to give oath liable to the same penalties with the offenders.

And for rendering this act yet more effectual,—

*Be it further enacted by the authority aforesaid,*

[SECT. 4.] That the several towns in this province shall have power, and they are hereby directed, on or before the first of December next, and afterwards in the month of March, annually, during the continuance of this act, to chuse and appoint two meet persons, whose care and duty it shall be to inform of all breaches of this act, and to take care that the violaters thereof be duly prosecuted and punished; who shall be sworn, as other town officers are, to the faithful discharge of their trust; and every town within this province, who shall neglect to chuse such officers as is herein directed, shall forfeit and pay the sum of thirty pounds, to the use of the county where such offence is committed, to be recovered by the treasurer of such county, in any court proper to try the same, who is hereby directed to make strict inquiry and to see that this act be observed; and the officers chosen by the towns within

Towns to choose persons to inform against breaches of this act.

Penalty for not choosing such persons.



Penalty for persons refusing to serve.

this province shall have and enjoy the same benefit and advantage as other informers. And if any person duly chosen to said office shall refuse to take his oath, and to serve therein, he shall forfeit and pay the sum of five pounds to the use of the town to which he belongs, and to be recovered by the town treasurer of such town, by action or information, in any court proper to try the same.

And, for preventing the destruction of deer in such places or new plantations as are not yet erected into townships,—

*Be it further enacted by the authority aforesaid,*

General sessions to appoint persons in the new towns, to inform against the breaches of this act.

[SECT. 5.] That the courts of general sessions of the peace in the respective counties be, and they are hereby, impowered and directed, seasonably, and from year to year, during the continuance of this act, to appoint one or two meet persons in every such new plantation wherein ten or more families are settled, to inform against and prosecute the violaters of this act; and every person so appointed shall be sworn; and, on refusal to take his oath, and to serve in [the] said office, shall forfeit and pay the sum of five pounds to him or them who shall sue for the same in manner as aforesaid.

Continuance of the act.

[SECT. 6.] This act to continue and be in force for the space of five years from the publication thereof, and no longer. [*Passed July 10; published July 14.*]

## CHAPTER 4.

AN ACT TO ENABLE THE EXECUTORS OR ADMINISTRATORS OF DECEASED FARMERS OF EXCISE TO COLLECT SUCH SUMS AS ARE DUE TO THEM AT THE TIME OF THEIR DECEASE.

Preamble.  
1737-38, chap. 1.

WHEREAS the law of this province pass'd in the tenth and eleventh year of the reign of his present majesty King George the Second, entitled "An Act for granting unto his majesty an excise upon wines and spirits distill'd, sold by retail, and upon lemons and limes," has made no provision how any sum due to a farmer of excise, shall be collected after his decease; by reason whereof difficulties have and may arise,—

*Be it therefore enacted by His Excellency the Governor, Council and Representatives in General Court assembled, and by the authority of the same,*

Executors or administrators of farmers of excise to collect the excise due.

That, when any farmer of excise shall d[ie] before any sum or sums due to him for any duties of excise shall be collected by him, it shall and may be lawful for the executors or administrators of such deceased farmer, or their attorneys specially appointed for that purpose, to collect all such sums as aforesaid, as also to do and perform all such matters, and execute all such powers, as the farmer himself was enabled to do by any law of this province. [*Passed June 19; signed by the Governor, June 20.*]

## CHAPTER 5.

AN ACT FOR ERECTING A PLANTATION, IN THE COUNTY OF HAMPSHIRE, CALLED ARLINGTON, INTO A TOWNSHIP BY THE NAME OF WINCHESTER.

Preamble.

WHEREAS the new plantation of Arlington, so called, in the county of Hampshire, is competently filled with inhabitants, who have built

a convenient meeting-house and settled an orthodox minister, yet labour under divers inconvenienc[i]es and difficulties, for want of a power to exercise town privileges among them, and have addressed this court setting forth the same, and praying for relief therein.—

*Be it enacted by His Excellency the Governor, Council and Representatives in General Court assembled, and by the authority of the same,*

[SECT. 1.] That the said plantation of Arlington, as the same is hereafter bounded and described, be and hereby is constituted and erected into a distinct and separate township, by the name of Winchester; viz., beginning at a certain heap of stones on the east bank of Connecticut River, at the upper end of two small islands, being the north-west corner (and is now the south-west corner of the township number one, on the east side of said river); and from thence the line to extend east, twelve degrees south, eight miles and an half and twenty perch, to a heap of stones; then south, six miles one-quarter and fifty-two rods, to an heap of stones; then west, two miles and an half, to a white-pine tree, marked; from thence north, eighteen and [an] half degrees west, three miles one-quarter and sixty perch, to a black-oak tree, marked; then north, one mile and an half and forty perch, to an heap of stones; then west, three miles and three-quarters, to Connecticut River; and from thence, to the corner first mentioned, bounding westerly on said river, and to include said two islands.

[SECT. 2.] And that the inhabitants thereof be and hereby are vested and endowed with equal powers, privileges and immunities, as generally other towns in this province have and do enjoy. [*Passed June 16; signed by the Governor, June 20.*]

A new town constituted by the name of Winchester. Bounds thereof described.

## CHAPTER 6.

### AN ACT FOR ERECTING THE PLANTATION ON HOUSATONNOCK RIVER INTO A TOWNSHIP BY THE NAME OF STOCKBRIDGE.

WHEREAS it hath been represented to this court, that the inhabitants of the plantation in the county of Hampshire, called the Indian town, [i][o]n Housatunnock River, labour under [great] difficulties, by reason of their not being incorporated into a township,—

Preamble.

*Be it enacted by His Excellency the Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

[SECT. 1.] That the plantation aforesaid be and hereby is erected into a sep[a]rate and distinct township, by the name of Stockbridge, the boundaries whereof are as follow; vizt., beginning at a monument or heap of stones, four hundred and fifty rods east, three degrees and a quarter north, from the house lately belonging to Joiachim Vanvalkumburgh; thence, running north, nine degrees east, fifteen hundred and six poles, to a large white-ash, marked, with stones about it; from thence, on a square, west, nine degrees north, six miles, to three hemlocks and a maple-tree marked N. A. S. D. K; from thence, on a square, south, nine degrees west, six miles, to a great white oak and black oak marked N. A; from thence, on a square, east, nine degrees south, six miles; and from thence, north, nine degrees east, four hundred and fourteen rods, to the monument first mentioned; which is agre[e]able to a plat confirmed by this court, at their session in May, one thousand seven hundred and thirty-seven.

A new town constituted by the name of Stockbridge. Bounds thereof described.

[SECT. 2.] And that the inhabitants thereof be and hereby are vested with all the powers, privileges and immunities that the inhabitants of the other towns within this province are or by law ought to be vested with. [*Passed June 22.*]

## CHAPTER 7.

AN ACT FOR DIVIDING THE TOWNS OF ROCHESTER AND PLYMOUTH, IN THE COUNTY OF PLYMOUTH, AND ERECTING A NEW TOWN THERE BY THE NAME OF WAREHAM.

Preamble.

WHEREAS the inhabitants of the east end of the town of Rochester, and the inhabitants of a plantation called Agawam, being in the town of Plymouth, by reason of great difficulties they labour under, have addressed this court that they may be set off a distinct and separate township, and vested with all the powers and privile[d]ges that other towns in this province are vested with; for which they have obtained the consent of the said towns of Rochester and Plymouth,—

*Be it therefore enacted by His Excellency the Governor, Council and Representatives in General Court assembled, and by the authority of the same,*

Bounds of a new town, by the name of Wareham, described.

[SECT. 1.] That the east end of the said town of Rochester, bounded as followeth; vizt., beginning at the mouth of Sipecan River, and running up the river to Mendol's bridge; thence, as the road now lies, to Plymouth, till it meets with Middleborough line, being all the lands belonging to the town of Rochester lying to the north of said river and on the east side of said road, together with the plantation or precinct of Agawam, aforesaid, as described in their purchased deed from the said town[s] of Plymouth, be and hereby are set off, constituted and erected into a distinct and separate township by the name of Wareham.

[SECT. 2.] And that the inhabitants of the lands before described and bounded, be and hereby are vested with all the powers, priviledges, and immunities that the inhabitants of other towns in this province are or by law ought to be vested with: *saving*, that the priviledge of catching [ale][ell]wives be and remain as heretofore. [*Passed July 10.*]

# ACTS

PASSED AT THE SESSION BEGUN AND HELD AT BOSTON,  
ON THE FIFTH DAY OF DECEMBER, A.D. 1739.

## CHAPTER 8.

AN ACT FOR THE EFFECTUAL PREVENTI[NG][ON] OF HORSES, NEAT CATTLE, SHEEP AND SWINE FROM RUNNING AT LARGE OR FEEDING UPON A CERTAIN ISLAND CALLED PLUMB ISLAND, LYING IN IPSWICH BAY IN THE COUNTY OF ESSEX.

WHEREAS it appears to this court that there is a great and valuable Preamble. estate, consisting of salt meadow, lying on the island at the bottom of Ipswich Bay, called Plumb Island, which is exposed and liable to be destroyed by horses, cattle and other creatures being turned or drove on said island, and feeding down the beach-grass and treading down the sea-walls, and by ill-minded persons setting fires on said island, whereby the shrubs and grass are destroyed and open a course to the sea and sand, which, if not prevented, may overrun and destroy said estate and interest, to the great loss of the proprietors and no small [damage] [prejudice] of the publick; for remedy whereof,—

*Be it enacted by His Excellency the Governor, Council and Represent[at]ives in General Court assembled, and by the authority of the same,*

[SECT. 1.] That, from and after the publication of this act, no person shall presume to turn or drive any neat cattle, horses, sheep or swine upon said island or beach, to feed at large there, upon penalty of twenty shillings a head for all neat cattle and for every horse or mare, and five shillings a head for every sheep or swine so turned to feed at large upon said island or beach; which penalt[y][ies] shall be recovered by any one of said proprietors, or their agents being thereunto lawfully authorized; the one half of the forfeiture to be to him that shall inform and sue for the same, the other half to be for the use of the poor of the town where the beach lies, so trespassed on.

No horses, cattle, &c., to go at large on Plumb Island. Penalty.

*And be it further enacted by the authority aforesaid,*

[SECT. 2.] That it shall and may be lawful to and for any of the owners or proprietors of the said island, if they shall find any cattle, horse-kind, sheep or swine going at large upon the island or beach aforesaid, to impound the same, and to give publick notice thereof in the said town and the two next adjoining towns, and shall relieve the said creatures while impounded, with suitable meat and water; and if the owner thereof shall appear, he shall pay the sum of twenty shillings for each head of neat cattle or horse-kind, five shillings for each sheep, and five shillings for each swine found feeding as aforesaid, and costs of impounding the same; and if no owner appear within the space of six days to redeem the said cattle, horse-kind, sheep or swine so im-

Cattle, &c., found at large to be impounded.

Damages to be paid.

pounded, and to pay damage and costs occasioned by impounding the same, then, and in every such case, any of the aforesaid proprietors impounding such cattle, horse-kind, sheep or swine, shall cause the same to be sold at publick vendue, for payment of the damage[s] sustained by reason of such cattle, horse-kind, sheep or swine feeding upon the island or beach aforesaid, as also to pay the cost[s] and charges arising about the same (publick notice of the time and place of such sale in said town where the cattle are impounded, being given forty-eight hours beforehand), and the overplus, if any be, arising by such sale, to be returned to the owner of such cattle, horse-kind, sheep or swine, at any time within twelve months next after, upon his demanding the same; but if no owner appear within the said twelve months, then the said overplus shall be one half to the party impounding, and the other half to the use of the poor of the said town: *provided*, that the penalty for cattle, horse-kind, sheep and swine, impounded as aforesaid, shall not be construed to extend to any such as are truly belonging to any of the inhabitants of said island, and fed in their inclosures; but that all such cattle, horse-kind, sheep and swine breaking their inclosures and found feeding at large on said island, and therefore impounded, shall be liable only for damages and cost[s] as in other cases of cattle found damage feazant: anything in this act to the contrary notwithstanding.

Saving.

*And be it further enacted by the authority aforesaid,*

Penalty for setting fire to the grass, shrubs, &c.

[SECT. 3.] That every person or persons who shall, during the continuance of this act, be convicted of setting fire to any part of said beach-grass, bushes or shrubs, growing thereon, shall forfeit the sum of ten pounds, to be recovered by action in any court proper to try the same, and applied in the way and manner aforesaid.

*And whereas*, the small wood, shrubs and bushes are of great service to prevent the sands being blown on the said meadow,—

*Be it further enacted by the authority aforesaid,*

Penalty for cutting down trees, shrubs, &c.

[SECT. 4.] That whoever shall be convicted of cutting down any bushes, shrubs or tree under the dimensions of six inches diameter, growing on said beach or marsh, shall forfeit and pay the sum of ten shillings for each brush, shrub or tree, to be recovered and applied in the way and manner aforesaid.

[SECT. 5.] This act to continue and be in force for the space of five years from the publication thereof, and no longer. [*Passed December 28; published December 29.*]

## CHAPTER 9.

### AN ACT IN EXPLANATION OF SUNDRY ACTS, HERETOFORE MADE, REFERRING TO THE ADMISSION OF TOWN INHABITANTS.

Preamble.

1700-1, chap. 23,  
§§ 4 and 5.  
1736-37, chap. 16.

NOTWITHSTANDING the provision made by the act pass'd in the twelfth and thirteenth years of King William the Third, entitled "An act directing the admission of town inhabitants," that no town shall be obliged to be at charge for the support of any person residing there, unless such person have continued in such town, without being warned to depart thence, by the space of twelve months, or else have obtained the approbation of the town, or the selectmen thereof, for his dwelling there; \* *yet, inasmuch* as it is not expressly declared in what way and

\* In former impressions this recital of the provisions of 1700-1, chap. 23, is included in marks of quotation; but a reference to that chapter will show that the substance, and not the exact language, is here given.



manner such approbation shall be given, some doubt hath thereupon arisen whether the selectmen or assessors in any town, their rating or assessing any person residing there, to town charges, and the inhabitants reaping the benefit of his rate, ought not, within the meaning of the said act, to have the force of an approbation for such persons dwelling there, so far as to subject such town to the charge of his support, in case he stands in need: by means whereof sundry disputes and expensive lawsuits have arisen and may arise unless prevented by this court,—

*Be it therefore declared and enacted by His Excellency the Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

[SECT. 1.] That no town shall be obliged to be at charge for the support of any person resident in such town that hath not continued there so long as to become an inhabitant, unless he have obtained the approbation of the town, at a meeting of the inhabitants regularly assembled, or the approbation of the selectmen, at their meeting, for his dwelling there: such approbation of the selectmen to be given in writing, under their hands, or under the hands of the major part of them; and no act of the selectmen or assessors, in rating or assessing any such person unto any charges whatsoever, shall subject such town to any expences for his support.

When persons to be esteemed inhabitants of any town.

Their being rated, not to make them so.

*And whereas,* upon the first paragraph in the act made in the fourth and fifth years of his present majesty's reign, and likewise that made in the tenth year of the same reign, directing the admission of town inhabitants, which relates to the charges which the inhabitants of any town shall be liable to answer, who shall admit and entertain any person (not being an inhabitant of such town) in his house, as tenant or otherwise, for more than twenty days, and shall not in writing give such account to one of the selectmen or town clerk of such town, as in said act is prescribed; a doubt hath arisen whether the words "all charges" are to be construed to extend to the charges of supporting the persons so received and entertained, which may arise after he shall have continued in such town so long as to become an inhabitant,—

Preamble.

1731-32, chap. 8, § 1.  
1735-37, chap. 16, § 1.  
4 Mass. 129.

*Be it therefore declared and enacted by the authority aforesaid,*

[SECT. 2.] That the words "all charges" in the said paragraph do extend to and include the charge of supporting the person so received and entertained, after he shall have continued his residence in such town so long as to become an inhabitant; and that such charges may be recovered at any time after they have arisen, although the term limited for the continuance of the said act or acts may, at the time of bringing the suit, be expired.

What charges to be recovered for entertaining persons.

*And it is hereby further declared and enacted by the authority aforesaid,*

[SECT. 3.] That no forbearance of the selectmen to warn the person received and entertained as aforesaid, to depart the town, shall free the inhabitant of such town by whom he was admitted and entertained, from the charge aforesaid, who shall violate the said act by neglecting to give account or notice in manner as is therein directed. And each person offending, in violation of said act, shall be liable to answer the whole of the charge incurred for the relief of the person by him admitted and entertained as aforesaid: and all such charges are and ought to be understood and accounted to have arisen and accrued to the town by reason only of such his misdeed and neglect; any others in like manner offending notwithstanding.

The forbearance of the selectmen to warn persons out of town, not to excuse those that entertain them.  
4 Mass. 125, 126.

[SECT. 4.] And that the several acts aforesaid are and were intended as herein explained, and ought always so to be understood, and put in execution. [Passed January 5; published January 14, 1739-40.]

## CHAPTER 10.

AN ACT TO IMPOWER AND OBLIGE THE SURVIVING TRUSTEE OF THE FIRST FIFTY-THOUSAND-POUNDS LOAN, SO CALLED, TO COMPLY WITH WHAT WAS ENJOINED THE SAID TRUSTEES IN THE SEVERAL ACTS REFERRING TO THE SAID LOAN.

Preamble.  
1714, chap. 10.  
§ 4.

WHEREAS, in the act for making and emitting the sum of fifty thousand pounds in bills of credit on this province, made and pass'd in the first year of the reign of his late majesty King George, it is enacted, "That Andrew Belcher, Addington Davenport and Thomas Hutchinson, Esqrs., and Mr. John White and Mr. Edward Hutchinson be the first five trustees for putting" the said "act in execution"; four of whom; viz., Andrew Belcher, Addington Davenport, Thomas Hutchinson and John White are deceased, and no other persons have been appointed in the room of those deceased, as aforesaid, so that there is not a major part of the said trustees surviving to act in and finish the trust committed to them by virtue of the aforesaid act,—

*Be it therefore enacted by His Excellency the Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

Edward Hutchinson, Esq., to have the whole power and duty of the trustees of the £50,000 loan.

That Edward Hutchinson, Esq., the only surviving trustee, as aforesaid, shall be and hereby is fully authorized, empowered and required, without delay, to settle all accompts respecting the said fifty thousand pounds loan yet remaining unsettled, and pursue and follow the directions of the several acts or laws of this province referring thereto, in such manner as is therein directed, and as fully and effectually, to all intents and purposes whatsoever, as if a major part of the said trustees were now living; and shall make report at the next May sessions, of his doings therein, and shall be entitled to all the benefit and profit accruing thereby to the trustees. [*Passed December 31, 1739; published January 14, 1739-40.*]

## CHAPTER 11.

AN ACT IN ADDITION TO AN ACT INTITLED "AN ACT IN FURTHER ADDITION TO THE SEVERAL ACTS OR LAWS OF THIS PROVINCE RELATING TO THE OFFICE AND DUTY OF A CORONER."

Preamble.  
1725-26, chap. 8,  
—and see  
1736-37, chap. 19.

WHEREAS some of the coroners within this province have of late greatly multiplied their deputies, and, under colour of such deputation, persons have pretended to be exempted from duties and services whereto by law they are liable,—

*Be it therefore enacted by His Excellency the Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

Coroners not to appoint deputies but for particular occasions.

No coroner's deputies to be excused from duties.

That, from and after the first day of March next, no coroner shall have power to appoint a deputy otherwise than for a particular necessary occasion, and after such deputy's service therein his power shall cease; and that all deputy coroners that may have received a general deputation before the said first day of March, their deputation shall be of no force or v[e]r[tue] after the said term, but shall then cease and be determined; and no person under pretence of any such deputation shall be excused from any duties or services whatsoever which he may by law be otherwise obliged or liable to. [*Passed January 9; published January 14, 1739-40.*]

## CHAPTER 12.

AN ACT IN ADDITION TO THE SEVERAL LAWS OF THIS PROVINCE RELATING TO COMMON ROADS AND PRIVATE WAYS.

WHEREAS there are many new plantations and tracts of land granted and laid out for townships, in which 'tis necessary that convenient ways should be laid, the proprietors whereof are not by law obliged or enabled to lay out such ways, not being vested with the privileges of towns,—

Preamble.  
1739-37, chap. 14

*Be it therefore enacted by His Excellency the Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

[SECT. 1.] That the proprietors of all such tracts of land and new plantations that are already or shall hereafter be laid out for townships be, and hereby are, authorized and empowered, by a committee to be appointed for that purpose, to lay out convenient ways within and for such plantations, as the selectmen in towns are empowered to do; and such ways to lay open, and all incumbrances thereon to remove; as also to alter or discontinue any such private way or ways as they shall judge it necessary so to do.

Proprietors of new plantations to lay out ways.

*And be it further enacted by the authority aforesaid,*

[SECT. 2.] That, when a highway or common road through such new plantation, or elsewhere, shall be wanting, the justices of the court of general sessions of the peace, in the county where such lands lye, upon application to them made, may enquire into the necessity or conveniency of the way petitioned for, either by a committee from among themselves, or such other discreet and indifferent persons as they shall appoint; and if such highway or common road shall be judg'd by the court, upon due inquiry made as aforesaid, to be of common necessity or conveniency, they shall proceed in laying out the same, by a jury, in manner as by law is already provided.

Court of general sessions of the peace to order highways to be laid out through new plantations.

*And be it further enacted by the authority aforesaid,*

[SECT. 3.] That the damages which any person or persons may sustain in his land or propriety by the laying out or altering any private way in such new plantation, shall be recompenced by such proprietors as the committee laying out the same, and the party injured, may agree, or as shall be ordered by the court of general sessions of the peace upon inquiry into the same by a jury to be summoned for that purpose; and when such damages shall be occasioned by the laying or altering any common road, the proprietors of the new plantation, through which such road is laid, shall make satisfaction to the person or persons injur'd thereby, by the estimation of the jury that laid out the same, unless, upon a hearing of the person who may find himself aggr[e]v[e]d by the estimate of his damages, made by the jury, the court should see cause to enha[n]ce or diminish the same.

How persons are to be satisfied for damages in laying out private ways through their land.

[SECT. 4.] And the proprietors of every such new plantation are hereby authorized and required, sometime in the month of March, annually, until[1] such time as they shall be vested with the privileges of a town, to chuse two meet persons to be surveyors of highways, whose duty it shall be, at the charge of said proprietors, to keep the ways in such plantation in repair, from time to time, and shall have the same power to impress workmen and teams, to provide materials, as by law is given to other surveyors of highways, and be under the obligation of an oath for the faithful[1] discharge of their trust.

New plantations to choose surveyors of highways.

[SECT. 5.] This act to continue in force for the space of five years from the publication thereof, and no longer. [*Passed January 9; published January 14, 1739-40.*]

## CHAPTER 13.

## AN ACT FOR GRANTING UNTO HIS MAJESTY SEVERAL RATES AND DUTIES OF IMPOST AND TUNNAGE OF SHIPPING.

WE, his majestie's most loyal and dutiful subjects, the representatives of his majestie's province of the Massachusetts Bay in New England, considering the necessity of a full and sufficient fund and security, in silver and gold, for the exchanging the bills of credit on this province that may be extant, and are by law to be exchanged in the year one thousand seven hundred and forty-two, have, notwithstanding the provision already made for that purpose, given and granted, and do hereby give and grant, unto his most excellent majesty, as a further fund and security, and for no other use whatsoever, the several duties of impost upon wines, liquors, goods, wares and merchandize that shall be imported into this province, and tunnage of shipping hereafter mentioned; and pray that it may be enacted,—

*And be it accordingly enacted by His Excellency the Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

[SECT. 1.] That, from and after the thirtieth day of December, instant, there shall be paid by the importer of all wines, liquors, goods, wares and merchandizes that shall be imported into this province from the place of their growth, produce or manufacture (salt, cotton-wool, provisions, and every other thing of the growth and produce of New England excepted), the several rates or duties of impost following; vizt.,

For every pipe of wine of the Western Islands, ten shillings and sixpence.

For every pipe of Canary, sixteen shillings.

For every pipe of Madera, twelve shillings and eightpence.

For every pipe of other sorts not mentioned, twelve shillings and eightpence.

For every hogshead of rum containing one hundred gallons, ten shillings and sixpence.

For every hogshead of sugar, ninepence.

For every hogshead of molasses, sixpence.

For every hogshead of tobacco, twelve shillings and eightpence.

For every tun of logwood, one shillings.

And so, proportionably, for greater or lesser quantities.

And all other commodities, goods or merchandize, not mentioned or excepted, fourpence for every twenty shillings' value: all goods imported from Great Britain excepted.

*And whereas* many strangers and foreigners have, of late years, reaped great gain and profit, by bringing into this province considerable quantities of foreign molasses and rum, on their own accompts, whereby much of the trade that was formerly carried on with considerable profit by the inhabitants of this province, although with the paying very high charges for permission, &c., in their islands, is, in a great measure, if not wholly, prevented; wherefore, in order to the subjecting such foreigners' goods to a higher duty,—

*Be it enacted by the authority aforesaid,*

[SECT. 2.] That all such molasses and rum that belongs to foreigners shall pay the following duties; vizt.,—

For every hogshead of molasses, two shilling.

For every hogshead of rum, fifty shillings.

And, for the preventing the colouring such foreigners' goods under the names of merchants or others inhabiting this province,—

*Be it enacted by the authority aforesaid,*

[SECT. 3.] That, when any such goods are imported into this province, that may reasonably be supposed to come from any of the said foreign plantations, and are said to be consigned to some of the inhabitants of this province, or British subjects, such person to whom the same is consigned shall make oath before the commissioner of impost, in the words following; vizt.,—

You, A. B., do swear that the goods imported in the ship or vessel ( ), and consigned you, did actually and truly come upon the sole proper account and risque, and are, *bona fide*, the goods and estate, of yourself or some other of his majesty's British subjects; and that no foreigner, directly or indirectly, is any ways interested or concerned in the same, or is ever to have any share or part in the same, that you know of; nor is this consignment made to you under any colour or pretext to prevent the paying the duties of the same. So help you God.

[SECT. 4.] And, for any of the above wines, liquors, goods, wares, merchandizes, &c., that shall be imported into this province, &c., from any other port than the places of their growth or produce, there shall be paid, by the importer, double the value of impost appointed by this act to be received for every species abovementioned; unless they do, *bona fide*, belong to the inhabitants of this province, and came upon their risque from the port of their growth and produce.

*And be it further enacted by the authority aforesaid,*

[SECT. 5.] That the aforesaid impost, rates and duties shall be paid by the importer of any wines, liquors, goods or merchandize, unto the commissioner to be appointed, as is hereinafter to be directed, for entring and receiving the same, at or before the landing of any wines, liquors, goods or merchandizes: *only*, the commissioner or receiver is hereby allowed to give credit to such person or persons, where his or their duty of impost in one ship or vessell doth exceed the sum of ten pounds; and in case where the commissioner or receiver shall give credit, he shall settle and ballance his accompts with every person, so that the same accompts may be ready to be presented to this court in May next. And all entries where the impost or duty to be paid doth not exceed four shillings, shall be made without charge to the importer, and not more than sixpence to be paid for any other single entry to what value soever.

*And be it further enacted by the authority aforesaid,*

[SECT. 6.] That all masters of ships or other vessells coming into any harbour or port within this province, from beyond sea, or from any other province or colony, before bulk be broken and within twenty-four hours after his arrival at such harbour or port, shall make a report, to the commissioner or receiver of the impost, to be appointed as is herein-after mentioned, of the contents of the lading of such ship or vessel, without any charge or fee to be demanded or paid for the same; which report said master shall give in to the commissioner or receiver, under his hand, and shall therein set down and express the quantities and species of the wines, liquors, goods and merchandizes laden on board such ship or vessel, with the marks and numbers thereof, and to whom the same is consigned: and also make oath that the said report or manifest of the contents of his lading, so to be by him given in, under his hand, as aforesaid, contains a just and true accompt, to the best of his knowledge, of the whole lading taken on board and imported in the same vessel from the port or ports such vessell came from; and that he hath not broken bulk nor delivered any of the wines, rum or other distilled liquors or merchandizes laden on said ship or vessell, directly or indirectly; and if he shall know of any more wines, liquors, goods or merchandize to be imported therein, before the landing thereof he will



cause it to be added to his manifest : which manifest shall be agreeable to a printed form made for that purpose, which is to be filled up by the said commissioner or receiver, according to each particular person's entry ; which oath the commissioner or receiver is hereby empowered to administer : after which such master may unload, and not before, on pain of five hundred pounds, to be forfeited and paid by each master that shall neglect his duty on this behalf.

*And be it further enacted by the authority aforesaid,*

[SECT. 7.] That all merchants, factors and other persons, importers, being owners of, or having any of, the wines, liquors, goods or merchandizes consigned to them, that by this act are liable to pay impost or duty, shall, by themselves or order, make entry thereof in writing, under their hands, with the said commissioner or receiver, and produce unto him the original invoice of all such goods as pay *ad valorem*, and make oath thereto in manner following :—

You, A. B., do swear that the entry of the goods and merchandize, by you now made, contains the true value, agreeable to the invoice herewith exhibited ; and that, according to your best skill and judgment, it is not less than the real value thereof. So help you God.

—which above oath the commissioner or receiver is hereby empowered to administer ; and they shall pay the duty and impost by this act required, before such wines, liquors, goods, wares or merchandizes be landed or taken out of the vessel in which the same shall be imported, on pain of forfeiting all such wines, liquors, goods, wares or merchandizes so landed and taken out of the vessel in which the same shall be imported.

[SECT. 8.] And no wines, liquors, goods, wares or merchandizes that by this act are liable to pay impost or duty, shall be landed on any wharf, or into any warehouse or other place, but in the daytime only, and that after sunrise and before sunset, unless in the presence and with the consent of the commissioner or receiver, on pain of forfeiting all such wines, liquors, goods, wares and merchandizes, and the lighter, boat or vessel out of which the same shall be landed or put into any warehouse or other place.

[SECT. 9.] And if any person or persons shall not have and produce an invoice of the quantities of rum or other liquors to him or them consigned, then the cask wherein the same is shall be gaged at the charge of the importer, that the quantities thereof may be known.

*And be it further enacted by the authority aforesaid,*

[SECT. 10.] That every merchant or other person, importing any wines into this province, shall be allowed twelve per cent for leakage : *provided*, such wines have not been filled up on board ; and that every hogshead, butt or pipe of wine that hath two third parts thereof leaked out, shall be accounted for outs, and the merchant or importer to pay no duty or impost for the same. And no master of any ship or vessel shall suffer any wines to be filled up on board without giving a certificate of the quantity so filled up, under his hand, before the landing thereof, to the commissioner or receiver of impost for such port, on pain of forfeiting the sum of one hundred pounds.

[SECT. 11.] And if it be made to appear that any wines imported in any ship or vessel be decayed at the time of unlading thereof, or in twenty days afterwards, oath being made before the commissioner or receiver that the same hath not been landed above that time, the duties and impost paid for such wines shall be repayed unto the importer thereof.

*And be it further enacted by the authority aforesaid,*

[SECT. 12.] That the master of any ship or vessel importing any wines, liquors, goods, wares or merchandize, shall be liable to and

shall pay the impost for such and so much thereof contained in his manifest, as shall not be duly entered, nor the duty paid for the same, by the person or persons to whom such wines, liquors, goods, wares or merchandize are or shall be consigned. And it shall and may be lawful, to and for the master of every ship or other vessel, to secure and detain in his hands, at the owner's risque, all such wines, liquors, goods, wares or merchandize imported in any ship or vessel, until he shall receive a certificate from the commissioner or receiver of the impost that the duty for the same is paid, and until he be repaid his necessary charges in securing the same; or such master may deliver such wines, liquors, goods, wares or merchandize as are not entered, unto the commissioner or receiver of impost in such port, or his order, who is hereby empowered and directed to receive and keep the same, at the owner's risque, until the impost thereof, with the charges, be paid; and then to deliver such wines, liquors, goods, wares or merchandize as such master shall direct.

*And be it further enacted by the authority aforesaid,*

[SECT. 13.] That the commissioner or receiver of the impost, in each port, shall be, and hereby is, empowered to sue the master of any ship or vessel for the impost or duty for so much of the lading of any wines, liquors, goods, wares or merchandizes imported therein, according to the manifest to be by him given upon oath, as aforesaid, as shall remain not entred and the duty of impost thereof not paid; and where any goods, wares or merchandizes are such as that the value thereof is not known, whereby the impost to be recovered of the master for the same cannot be ascertained, the owner, or person to whom such goods, wares or merchandizes are or shall be consigned, shall be summoned to appear as an evidence at the court where suit for the impost and duty thereof shall be brought, and be there required to make oath to the value of such goods, wares and merchandizes.

*And be it further enacted by the authority aforesaid,*

[SECT. 14.] That the ship or vessel, with her tackle, apparel and furniture, the master of which shall make default in anything by this act required to be performed by him, shall be liable to answer and make good the sum or sums forfeited by such master, according to this act, for any such default, as also to make good the impost or duty for any wines, liquors, goods, wares or merchandizes not entred as aforesaid; and, upon judgment recovered against such master, the said ship or vessel, with so much of the tackle or appurtenances thereof as shall be sufficient to satisfy said judgment, may be taken in execution for the same. And the commissioner or receiver of the impost is hereby empowered to make seizure of such ship or vessel, and detain the same under seizure until judgment be given in any suit to be commenced and prosecuted for any of the said forfeitures or impost, to the intent that, if judgment be rendered for the prosecutor or informer, such ship or vessel and appurtenances may be exposed to sale for satisfaction thereof, as is before provided: *unless* the owners, or some on their behalf, for the releasing such ship or vessel from under seizure or restraint, shall give sufficient security unto the commissioner or receiver of impost that seized the same, to respond and satisfy the sum or value of the forfeiture and duties, with charges, that shall be recovered against the master thereof, upon suit to be brought for the same, as aforesaid; and the master occasioning such loss and damage unto his owners, through his default or neglect, shall be liable unto their action for the same.

*And be it further enacted,*

[SECT. 15.] That the naval officer within any of the ports of this province shall not clear or give passes to any master of any ship or other vessel outward bound, until he shall be certified, by the commis-

sioner or receiver of the impost, that the duties and impost for the goods last imported in such ship or vessel are paid or secured to be paid.

[SECT. 16.] And the commissioner or receiver of the impost is hereby impowered to allow bills of store to the master of any ship or vessel importing any wines or liquors, of such private adventures as shall belong to the master or seamen of such ship or other vessel, at the discretion of the commissioner or receiver, not exceeding three per cent of the lading; and the duties payable by this act for such wines or liquors in such bills of store mentioned and expressed, shall be abated.

*And whereas* many persons have heretofore caus'd to be imported, from the neighbouring governments into this province, by land carriage, large quantities of wine, rum and other merchandize subjected to duty by this act, but have made no report thereof to the officer of impost or any of his deputys, nor have paid any duty therefor, contrary to the true intent and meaning of this act,—

*Be it therefore further enacted by the authority aforesaid,*

[SECT. 17.] That, whensoever any rum, wine or other merchandize by this act subjected to any duty, shall be hereafter imported from any of the neighbouring governments, by land, into any town of this province, the owner thereof, or person importing the same, shall make report thereof to the said officer or some one of his deputys, and pay the duty herewith required therefor, on pain and penalty of forfeiting the same.

*And be it further enacted by the authority aforesaid,*

[SECT. 18.] That all penalties, fines and forfeitures accruing and arising by virtue of this act, shall be one half to his majesty, for the uses and intents for which the aforementioned duties of impost are granted, and the other half to him or them that shall seize, inform and sue for the same, by action, bill, plaint or information in any of his majesty's courts of record, wherein no essoign, protection or wager of law shall be allowed; the whole charge of the prosecution to be taken out of the half belonging to the informer.

*And be it further enacted by the authority aforesaid,*

[SECT. 19.] That there shall be paid, by the master of every ship or other vessel coming into any port or ports within this province to trade or traffick, whereof all the owners are not belonging to this province (except such vessels as belong to Great Britain, the provinces or colonies of Pensilvania, West and East Jersey, New York, Connecticut, New Hampshire and Rhode Island), every voyage such ship or vessell does make, the sum of one shilling and fourpence per ton, or one pound of good, new pistol-powder for every ton such ship or vessel is in burthen: *saving* for that part which is owned in Great Britain, this province, or any of the aforesaid governments, which is hereby exempted, to be paid unto the commissioner or receiver of the duties of impost, and to be employed for the ends and uses aforesaid.

[SECT. 20.] And the said commissioner is hereby impowered to appoint a meet and suitable person to repair unto and on board any ship or vessel, to take the exact measure or tunnage thereof, in case he shall suspect that the register of such ship or vessel doth not express and set forth the full burthen of the same, the charge thereof to be paid by the master or owner of such ship or vessel before she be cleared, in case she shall appear to be of greater burthen; otherwise to be paid by the commissioner out of the money received by him for impost; and shall be allowed him accordingly, by the treasurer, in his accounts. And the naval officer shall not clear any vessel, until he be also certified, by the said commissioner, that the duty of tunnage for the same is paid, or that it is such a vessel for which none is payable according to this act.

*And be it further enacted by the authority aforesaid,*

[SECT. 21.] That there be one fit person, and no more, nominated and appointed by this court as a commissioner and receiver of the aforesaid duties of impost and tunnage of shipping, and for the inspection, care and management of the said office, and whatsoever relates thereunto, to receive commission for the same from the governour or commander-in-chief for the time being, with authority to substitute and appoint a deputy receiver in each port and other places besides that wherein he resides, and to grant warrants to such deputy receivers for the said place, and to collect and receive the impost and tunnage of shipping aforesaid, that shall become due within such port, and to render the accompts thereof and pay in the same to the said commissioner and receiver: which said commissioner and receiver shall keep fair books of all entries and duties arising by virtue of this act, also a particular account of every vessel, so that the duties of impost and tunnage arising on the said vessel may appear; and the same to lye open, at all seasonable times, to the view and perusal of the treasurer and receiver-general of this province, or any other person or persons whom this court shall appoint, with whom he shall accompt for all collections and payments, and pay all such moneys as shall be in his hands, as the treasurer or receiver-general shall demand it. And the said commissioner or receiver, and his deputy or deputies, before their entring upon the execution of their office, shall be sworn to deal truly and faithfully therein, and shall attend in the said office from nine to twelve of the clock in the forenoon, and from two to five of the clock in the afternoon.

[SECT. 22.] And the said commissioner and receiver, for his labour, care and expences in the said office, shall have and receive, out of the province treasury, the sum of twenty-three pounds six shillings and eightpence, in bills of the new tenor, per annum; and his deputy or deputies to be paid for their service such sum or sums as the said commissioner and receiver, with the treasurer, shall agree upon reasonable terms, not exceeding ten pounds, in bills of the new tenor, each; and the treasurer is hereby ordered, in passing and receiving the said commissioner's accompts, accordingly, to allow the payment of such salary or salaries, as aforesaid, to himself and his deputy or deputies.

*And be it further enacted by the authority aforesaid,*

[SECT. 23.] That all and every of the rates and duties of impost which shall arise due by virtue of this act, may be paid and discharged by silver coin of sterling alloy, at six shillings and eightpence per ounce Troy weight, or with gold coin at four pounds eighteen shillings per ounce, or with province bills of the new tenor, according to their several denominations, or with bills of the old tenor, accounting three for one; which coin and bills of credit the impost officer shall account with the province treasurer for.

*And forasmuch* as it is provided in the act made for the first emission of the bills of the new tenor, that the duties of impost and tunnage of shipping, and the duties of the light-house, should be paid in silver and gold, for the furnishing the treas<sup>r</sup> with money for paying off the bills of credit that shall be in the hands of private persons in the year 1742, and the said duties of impost have been hitherto paid in silver and gold accordingly; but it has been, in experience, found of publick inconvenience, in that it has tended to raise the price of silver and gold, by such a number of particular persons being obliged to purchase it at a certain time; in order, therefore, to prevent that inconvenience, and also that the possessors of the bills may have equal security for their being paid in silver, in gold,\* according to the intentions of this court,—

\* Sic.

*Be it enacted,*

[SECT. 24.] That the trésurer be and hereby is impowered and directed to purchase silver and gold, at the best rates he can, with the province bills which he may receive from the impost office[r] ; which silver and gold, so purchased, together with what may be received in consequence of this act, shall remain in the publick treasury as a further fund and security for the exchanging such of the province bills as are now extant and may be outstanding in the year one thousand seven hundred and forty-two, and for no other use whatsoever.

*Provided,*

[SECT. 25.] That this act shall be and continue in force from the thirtyeth day of D[ecember] instant, until the thirty-first day of Decem<sup>r</sup>, w<sup>ch</sup> will be in the year of our Lord 1740, and no longer. [*Passed December 20, 1739.*]



# ACTS

PASSED AT THE SESSION BEGUN AND HELD AT BOSTON,  
ON THE TWELFTH DAY OF MARCH, A.D. 1739-40.

## CHAPTER 14.

AN ACT TO PREVENT UNNECESSARY COST BEING ALLOWED TO PARTIES AND WITNESSES IN THE SEVERAL COURTS OF JUSTICE WITHIN THIS PROVINCE.

WHEREAS, oftentimes, there are several plaintiffs or defendants, in one and the same action, brought either to the superiour court or the inferiour courts of common pleas within the respective counties, and in taxing the bills of cost arising on said actions, all the plaintiffs or defendants mentioned in the writ so brought are allowed for their attendance, although it frequently happens that only one of the pla[i]ntiffs or defendants do actually attend, and sometimes neither of them; and inasmuch as an allowance has been sometimes made for witnesses not summoned, or when summoned, for much longer time than such witnesses have actually attended the court; by which means bills of costs are exorbitantly enhanced; for prevention whereof for the future,—

*Be it enacted by His Excellency the Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

[SECT. 1.] That from and after the publication of this act, neither the justices of the superiour court nor the justices of the inferiour court of common pleas, in the respective counties within this province, shall, in taxing any bills of costs, allow for the attendance of more than one person as plaintiff or defendant, altho' there are more plaintiffs and defendants than one, in any suit or action, and appear by themselves or by their attorney or attorneys (except where the defendants plead severally); and in case of the actual attendance of either plaintiff or defendant, they shall be allowed in the bill of cost for no longer time than they make evident to the court the number of miles of their travel, and time of their attendance as aforesaid.

Cost to be allowed for attendance of plaintiff and defendant.

*And be it further enacted by the authority aforesaid,*

[SECT. 2.] That no person giving a complaint in the superiour court or inferiour court respectively, for the affirmation of a former judgment, shall be allowed at any time more than three days' attendance in the bills of costs, to be taxed by said courts.

Allowance for attendance in filing complaints.

*And be it further enacted by the authority aforesaid,*

[SECT. 3.] That no witness giving his or her deposition in any case, who shall not be served with a *subpoena*, shall be allowed in the bill of cost any more than one day's attendance; nor shall any witness summoned to appear, be allowed for more days than such witness shall

Allowance for attendance of witnesses.

actually attend, and make it evident to the court where the action shall be commenced, by their certifying on the *subpoena* the number of miles of their travel, and time that he or she has actually attended.

Continuance.

[SECT. 4.] This act to continue and be in force for the space of five years from the publication thereof and no longer. [*Passed March 27; published March 29, 1739-40.*]

## CHAPTER 15.

AN ACT TO PREVENT ANY PERSONS OBSTRUCTING THE FISH IN THEIR PASSING UP INTO MONATIQUOT RIVER, WITHIN THE TOWN OF BRANTREE.

Preamble.

WHEREAS the fish which formerly pass'd up the river Monatiquot, in great abundance, are now almost entirely diverted from said river, by reason of ill-minded persons drawing seines and drag-nets at the mouth of said river, to the great prejudice of the adjacent towns; for prevention whereof,—

*Be it enacted by His Excellency the Govern[ou]r, Council and Represent[ati]ves in General Court assembled, and by the authority of the same,*

No seines or drag-nets to be used in Monatiquot river, on penalty.

[SECT. 1.] That no person or persons whosoever from and after the publication of this act, shall presume to take, kill or hale ash[a]r[e] any fish, with seines or drag-nets, in the said river Monatiquot, or in any part of the river within the town of Weymouth, through which they pass into the same, upon pain of forfeiting for each and every offence on due conviction thereof, the sum of thirty pounds, to be recovered by action, bill, plaint or information in any of his majesty's courts of record proper to try the same; the one half of the said forfeitures to be to and for the use of the towns of Weymouth and Bra[i]n-tree, in equal proportion, the other half to him or them who shall inform and sue for the same.

Continuance.

[SECT. 2.] This act to continue and be in force from the publication thereof, for the space of five years, and from thence to the end of the then next session of the general court, and no longer. [*Passed March 25; published March 29, 1740.*]

NOTES.—There were four sessions of the General Court this year, but no acts were passed at the second session. The third session was prorogued to March 12, 1739-40, but, as the fourth session began March 14, there must have been a prorogation by proclamation, the record of which has not been found.

The engrossments of all the acts of this year, except of chapters 9, 10 and 13, are preserved; and all were printed with the sessions-acts, except chapter 13, which, in this edition, is printed from the original bill in the Secretary's office. (Archives, vol. 67, page 537.)

The acts of the first session were filed with the clerk of the Privy Council, in waiting, July 9, 1740; and the next day were referred, by the Lords Justices, to the committee on plantation affairs, who, in turn, referred them to the Board of Trade, July 22, 1740. The acts of the third session were filed with the clerk of the Council, August 8, 1740, and referred, by the Lords Justices, directly to the Board of Trade, August 14, with a direction to report to the committee on plantation affairs. The date of the letter from the Secretary of the Board of Trade to Mr. Fane, is July 3, 1740,—evidently a mistake for some later month, probably September, since the acts were not received by the Board until August 14. Mr. Fane's reports upon the acts of these two sessions, respectively, bear date November 14, 1740. In these reports he states, that he has "no objection" to any of the acts, "in point of Law."

The Board of Trade reported to the committee on plantation affairs, June 8, 1743, that chapters 2 and 13 "were for a temporary service, and have had their effect"; that chapters 1, 3, 4, 8, 9, 10, 11 and 12, "relating to the Oeconomy of the Province, are enacted for their private convenience, and We see no reason why His Majesty may not be graciously pleased to confirm them"; and that chapters 5, 6 and 7 "relate to the settling and dividing of townships," and thereupon they comment as follows:—

"Upon this occasion We must acquaint your Lordships that this Practice of creating new Townships & splitting and dividing the old ones, has encreas'd so considerably, that

by letters from Mr Shirley, His Majesty's Governor of the Massachusetts Bay it appears to us that there have been no less than thirty three new Townships erected since the year 1692, each of which has a right, according to the number of its Inhabitants to send one or two Representatives to the General Assembly; that there are at present one hundred and sixty Towns in this Province, most of which are qualified to send two Representatives; That we apprehend this Number is fully sufficient for the Oeconomy and well governing of the Province, and Mr Shirley seems to be of the same opinion by his having refused his assent to three Bills of this Nature that were laid before him at their Sessions in 1742; That increasing the number of Representatives by these means is destroying the proportion or Balance between the Council or Assistants (whose number by the Charter is limited to twenty eight) & the Assembly; That this method of splitting and multiplying old Towns is entirely unnecessary, and so is that likewise of erecting of other Townships with a power of sending Members to the Assembly, for if the ancient Towns should increase in the number of Inhabitants they may be divided without any inconvenience into new Parishes and Districts and all future Plantations of new Settlers may likewise be erected into Precincts, Parishes or Villages, with all the Offices & Priviledges of a Township, except that of sending Representatives. However as there is reason to believe the Acts above mentioned have been carried into execution & that Precepts or Writs have been issued to the said Towns thereby erected to send Representatives to the Assembly, We would humbly submit whether His Majesty may not be advised to confirm the said Acts. But we would at the same time submit whether it might not be for His Majesty's service that for the future his Governor should be instructed not to give his Assent to any Bill for erecting a new Town or dividing an old one without a Clause therein inserted deferring & suspending the execution thereof until His Majesty's pleasure shall be known.

We are My Lords, Your Lordships most obedient and most humble Servants

MONSON  
M. BLADEN  
R. PLUMER  
B. KEENE

Whitehall, June 8<sup>th</sup> 1743."

The order in council confirming all the foregoing acts, except chapters 1 (which expired in 1742) 2 and 13, passed June 30, 1743.

No record of action, by the Home Government, on the Acts of the fourth session has been discovered.

Chaps. 2, 4 and 5.—"June 20, 1739. The Governor sent down a Message by the Deputy Secretary, and likewise by the Secretary, to the Representatives, to direct them to attend him in the Council Chamber: But his Messages were not received, the House being closely engaged in Debate. His Excellency thereupon signed his Consent in the presence of the Council to the following Engross'd Bills, which were before pass'd to be enacted by both Houses."—*Council Records, vol. XVII, b. 2, p. 50.*

This is the first instance on record of the signing of bills in the absence of the representatives.



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ACTS,

PASSED 1740-41.

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# ACTS

PASSED AT THE SESSION BEGUN AND HELD AT BOSTON,  
ON THE TWENTY-EIGHTH DAY OF MAY, A.D. 1740.

## CHAPTER 1.

AN ACT FOR GRANTING THE SUM OF THREE THOUSAND SIX HUNDRED POUNDS FOR THE SUPPORT OF HIS MAJESTY'S GOVERNOUR.

*Be it enacted by His Excellency the Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

[SECT. 1.] That the sum of three thousand and six hundred pounds in bills of publick credit on this province, of the old tenor, be and hereby is granted unto his most excellent majesty, to be paid out of the publick treasury to his excellency Jonathan Belcher, Esq., captain-general and governour-in-chief in and over his majesty's province of the Massachusetts Bay, to enable him to go on in managing the publick affairs. £3,600 granted to the governor.

*And be it further enacted,*

[SECT. 2.] That the aforesaid sum of three thousand six hundred pounds, shall be paid out of the sum of thirty thousand pounds in the bill for the supply of the treasury, now before this court, which sum is therein appropriated for the payment of his excellency the governour, the council, &c.; or that an equivalent to the aforesaid sum of three thousand six hundred pounds shall be paid out of the next general supply bill that shall hereafter be agreed on and pass'd by the great and general court. Fund. *[Passed June 23; published July 16.]*

## CHAPTER 2.

AN ACT FOR SUPPLYING THE TREASURY WITH THE SUM OF EIGHTY THOUSAND POUNDS, IN BILLS OF CREDIT, FOR DISCHARGING THE PUBLICK DEBTS, &c.; AND FOR ESTABLISHING THE WAGES OF SUNDRY PERSONS, &c., IN THE SERVICE OF THE PROVINCE; AND FOR THE DRAWING OF THE SAID BILLS INTO THE TREASURY AGAIN,

*Be it enacted by His Excellency the Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

[SECT. 1.] That the wages of the captain of Castle William shall be after the rate of twelve pounds fourteen shillings per month, from the twentieth of May, one thousand seven hundred and thirty-nine, to the twentieth of November, one thousand seven hundred and forty; of the lieutenant, for that term, seven pounds fourteen shillings per month; Establishment of wages for the garrison at Castle William.

of the chaplain, six pounds three shillings per month; of the gunner, four pounds twelve shillings and threepence per month; of the gunner's mate, four pounds per month; of the serjeant, two pounds thirteen shillings and sixpence per month; of six quarter-gunners, each two pounds thirteen shillings and sixpence per month; of three corporals, each two pounds eight shillings per month; of a drummer, two pounds eight shillings per month; of thirty centinels, each two pounds per month: for their subsistence, seventeen shillings and sixpence per week, each man.

*And be it further enacted by the authority aforesaid,*

Richmond Fort.

[SECT. 2.] That the wages of the captain of Richmond Fort, from May the twentieth, one thousand seven hundred and thirty-nine, to the twentieth of November, one thousand seven hundred and forty, shall be at the rate of four pounds per month; and of ten centinels, each two pounds per month; of one interpreter, six pounds per month; of one armourer, six pounds per month; one truck-master, at the rate of one hundred and twenty pounds per annum; and for the chaplain there, one hundred pounds per annum.

*And be it further enacted by the authority aforesaid,*

Truck-house at  
George's River.

[SECT. 3.] That the wages of the captain of the truck-house on George's River, from May the twentieth, one thousand seven hundred and thirty-nine, to the twentieth of November, one thousand seven hundred and forty, shall be at the rate of four pounds per month; of one lieutenant, two pounds thirteen shillings and sixpence per month; of one serjeant, two pounds thirteen shillings and sixpence per month; of two corporals, each two pounds eight shillings per month; of thirteen centinels, each two pounds per month; of one armourer, six pounds per month; of one interpreter, six pounds per month; of one truck-master, after the rate of one hundred and twenty pounds per annum; and to the chaplain there, after the rate of one hundred pounds per annum; also of three centinels more, from May the twentieth, one thousand seven hundred and thirty-nine, to the twenty-third of July, seventeen hundred and thirty-nine, two pounds per month.

*And be it further enacted by the authority aforesaid,*

Brunswick Fort.

[SECT. 4.] That the wages of the commanding officer of the fort at Brunswick, from May the twentieth, one thousand seven hundred and thirty-nine, to the twentieth of November, one thousand seven hundred and forty, shall be two pounds thirteen shillings and sixpence per month; of six centinels, each two pounds per month.

*And be it further enacted by the authority aforesaid,*

Truck-house  
above North-  
field.

[SECT. 5.] That the wages of the captain of the truck-house above Northfield, from May the twentieth, one thousand seven hundred and thirty-nine, to the twentieth of November, one thousand seven hundred and forty, shall be at the rate of four pounds per month; of one lieutenant, two pounds thirteen shillings and sixpence per month; of one serjeant, two pounds thirteen shillings and sixpence per month; of one corporal, two pounds eight shillings per month; of sixteen centinels, each two pounds per month; of one interpreter, six pounds per month; the truck-master, at the rate of one hundred pounds per annum; of the chaplain there, at the rate of one hundred pounds per annum; and that there be allowed for the subsistence of each man, ten shillings per week.

*And be it further enacted by the authority aforesaid,*

Truck-house at  
Saco River.

[SECT. 6.] That the wages of the captain of the truck-house at Saco, from May the twentieth, one thousand seven hundred and thirty-nine, to the twentieth of November, one thousand seven hundred and forty, shall be at the rate of four pounds per month; of one lieutenant, two pounds thirteen shillings and sixpence per month; of one corporal,

two pounds eight shillings per month; of thirteen centinels, each two pounds per month; of one armourer, six pounds per month; of one interpreter, six pounds per month; of the truck-master, at the rate of one hundred and twenty pounds per annum.

*And be it further enacted by the authority aforesaid,*

[SECT. 7.] That the wages of the commanding officer of Frederick Fort, from the twenty-third day of July, one thousand seven hundred and thirty-nine, to the twentieth of November, one thousand seven hundred and forty, shall be at the rate of two pounds thirteen shillings and sixpence per month; of six centinels, each two pounds per month.

*And be it further enacted by the authority aforesaid,*

[SECT. 8.] That the wages of the captain of the sloop in the countr[y]'s service, from the twentieth of May, one thousand seven hundred and thirty-nine, to the twentieth of November, one thousand seven hundred and forty, shall be at the rate of six pounds per month; of the mate, four pounds per month; of the sailors, at three pounds per month each; for the sloop, twenty pounds per month.

*And be it further enacted by the authority aforesaid,*

[SECT. 9.] That, before payment of any muster-roll be allowed, oath be made by the officer or person presenting such roll, that the officers and soldiers borne on said roll have been in actual service for the whole time they stand entred thereon.

*And be it further enacted by the authority aforesaid,*

[SECT. 10.] That there be forthwith imprinted, a certain number of bills of credit on this province, of the old tenor and form, which in the whole shall amount to the sum of eighty thousand pounds, and no more; which bills shall be signed by the committee heretofore appointed by this court; and the said committee are hereby directed and empowered to take care and make effectual provision, so soon as may be, to imprint the said bills, to the aforesaid sum of eighty thousand pounds, and to sign and deliver the said sum to the treasurer, taking his receipt for the same.

*And be it further enacted,*

[SECT. 11.] That the treasurer be and hereby is empowered and ordered to issue forth and emit the said sum of eighty thousand pounds, for the necessary support and defence of the government, and for the protection and preservation of the inhabitants thereof, and for such other services as are hereafter mentioned; vizt., the sum of seventeen thousand five hundred pounds, part of the sum of eighty thousand pounds aforesaid, shall be applied to and for the encouragement of such persons within this province as do or shall enlist in his majesty's service, in the expedition against the king of Spain's settlements in the West Indies, and for providing ships, provisions and other necessaries for subsisting and transporting said persons or forces to the place of general rendezvous, pursuant to such grants as are or shall be made by this court for that purpose; and the sum of seventeen thousand five hundred pounds, part of the aforesaid sum of eighty thousand pounds, shall be applied for purchasing all needful warlike stores; also, the repairing the several forts and garrisons, and for the further putting the province in a proper posture of defence, pursuant to such grants as this court shall hereafter make for that purpose; the sum of twelve thousand and six pounds sixteen shillings and sixpence, part of the aforesaid sum of eighty thousand pounds, to be applied to pay the wages that now are, or that hereafter may be, due by virtue of the establishment of Castle William, Richmond Fort, George's Truck-House, Saco Truck-House, Brunswick Fort, the block-house above Northfield, Frederick Fort, and the sloop in the countr[y]'s service and the treasurer's usual disbursements; the sum of eighteen thousand

Frederick Fort.

Sloop in the country's service.

Oath to be made to the muster-roll.

£80,000 to be emitted.

£17,500 appropriated for encouraging the expedition against the Spanish settlements.

£17,500 for purchasing warlike stores and repairing forts, &c.

£12,006 16s. 6d. for the payment of garrisons, &c.

£18,000 for the

payment of  
grants, &c.

pounds, part of the aforesaid sum of eighty thousand pounds, shall be applied for the payment of his excellency the governour, the council and such other grants as are or shall be made by this court, and for the payment of stipends, bountys and premiums established by law, and for the payment of all other matters and things which this court have or shall, either by law or orders, provide for the payment of out of the publick treasury, and for no other purpose whatsoever; and the sum of four thousand nine hundred and ninety-three pounds three shillings and sixpence, part of the said sum of eighty thousand pounds, shall be applied for the discharge of other debts owing from this province to persons who have served, or shall serve them, by order of this court, in such matters and things where there is no establishment, nor any certain sum assigned for such service; and for paper, printing and writing for this court, the expences of committees of council, or of the house, or of both houses, entertainment of Indians, and presents made them by this court, the surgeon for Castle William, and wooding of said castle.

£4,993 3s. 6d.  
for discharging  
other debts.

*And whereas* there are sometimes publick entertainments, and, from time to time, contingent and unforeseen charges, that demand prompt payment,—

*Be it further enacted,*

£1,000 for con-  
tingent charges.

[SECT. 12.] That the sum of one thousand pounds, part of the aforesaid sum of eighty thousand pounds, be applied to defr[a][e]y and pay such entertainments and contingent charges, and for no other use whatsoever.

*And be it further enacted,*

£9,000 for the  
payment of the  
representatives.

[SECT. 13.] That the sum of nine thousand pounds, the remaining part of the aforesaid sum of eighty thousand pounds, shall be applied for the payment of the representatives serving in the general court, as well the last year as for this currant, until November next.

*And be it further enacted by the authority aforesaid,*

Allowance to  
the members of  
the council and  
representatives.

[SECT. 14.] That, from the beginning of the session of this court, in April, one thousand seven hundred and thirty-eight, unto the end of the several sessions thereof, until November next, each member of the council shall be entitled to fifteen shillings *per diem*, in bills of credit, ordered by this act into the treasurer's hands for that purpose, to be paid out of the publick treasury by warrant, according to the direction of the royal charter, upon certificate given by the secretary, of the number of days of such member's attendance, and travel to and from the court, twenty miles to be accounted a day's travel; and that each member of the house of representatives serving the last year, or this currant year, until November next, shall be paid by warrant, as aforesaid, ten shillings *per diem*, in the like bills, as aforesaid, upon certificate given by the clerk of the house of representatives, of the number of days of such member's attendance, and travel to and from the court, twenty miles to be accounted a day's travel.

And, as a fund and security for drawing in such sum or sums as shall be paid out to the representatives of the several towns in manner as aforesaid,—

*Be it enacted by the authority aforesaid,*

Fund for what  
shall be paid to  
the representa-  
tives.

[SECT. 15.] That there be and hereby is granted unto his most excellent majesty, a tax of such sum or sums as shall be paid to the several representatives as aforesaid, to be levied and assessed on the polls and estates of the inhabitants of the several towns, according to what their respective representatives shall so receive, which sums shall be set on the said towns in the province tax for the year seventeen hundred and forty-one; and the assessors of the said towns shall make their assessment for this tax, and apportion the same according to the



rule that shall be prescribed by act of the general assembly for assessing the province tax for the year seventeen hundred and forty-one; and the constables in their respective districts shall pay in the same when they pay the province tax for the year seventeen hundred and forty-one, of which the treasurer is hereby directed to keep a distinct and sep[ar]ate accompt.

*And be it enacted,*

[SECT. 16.] That, if there be a surplusage in any sum appropriated, such surplusage shall ly in the treasury for the further order of this court.

Surplusage to lie in the treasury.

*And be it further enacted by the authority aforesaid,*

[SECT. 17.] That each and every warrant for drawing money out of the treasury, shall direct the treasurer to take the same out of such sums as are respectively appropriated for the payment of such publick debts as the draughts are made to discharge; and the treasurer is hereby directed and ordered to pay such money out of such appropriations as directed to, and no other, upon pain of refunding all such sum or sums as he shall otherwise pay; and to keep exact and distinct accompts of all payments made out of such appropriated sums; and that the secretary, to whom it belongs to keep the muster-rolls and accompts of charge, shall lay before the house, when they shall direct, all such muster-rolls and accompts, after payment thereof.

Warrants to express the appropriation.

And as a further fund and security for drawing the remaining part of the said sum of eighty thousand pounds into the treasury again,—

*Be it enacted by the authority aforesaid,*

[SECT. 18.] That there be and hereby is granted unto his most excellent majesty, for the ends and uses aforesaid, a tax of seventy-one thousand pounds, to be levied on polls, and estates both real and personal, within this province, according to such rules, and in such proportions on the several towns and districts within the same, as shall be agreed upon and ordered by this court, at their session in May, one thousand seven hundred and forty-one, and paid into the publick treasury on or before the last day of December, then next after.

Fund for drawing in £71,000.

*And be it further enacted by the authority aforesaid,*

[SECT. 19.] That the inhabitants of this province shall have liberty, if they see fit, to pay the several sums for which they respectively may, in pursuance of this act, be assessed, in bills of credit of the old tenor and form, according to their several denominations; or in bills of the new tenor and form, one for three; or in coined silver at twenty shillings per ounce, Troy weight, and of sterling alloy; or in coined gold, proportionably; or in hemp, to be received by the treasurer at twelvepence per pound; or in flax, at eighteenpence per pound; or in good merchantable refined bar[r] iron, at four pounds per hundred; or good, iron hollow ware, so called, at fifty pounds per tun; or in good bloomy bar iron, at three pounds per hundred; or in sheep's wool, at three shillings per pound; or in good merchantable Indian corn, at six shillings per bushel, rye, at eight shillings per bushel, or wheat, at ten shillings per bushel, or barley, at six shillings per bushel; or good merchantable barrel pork, at eight pounds per barrel; or good beef, at five pounds per barrel; or in good, merchantable winter, and Isle of Sable codfish, at forty shillings per quintal; or in good, sale duck, at ten pounds per bolt, each bolt weighing forty-three pounds; or in good, long whalebone, at nine shillings per pound: all which commodities, as soon as conveniently may, shall be disposed of by the treasurer, to the best advantage, for so much as they will fetch in bills of credit hereby emitted, or for silver and gold; which silver and gold shall be delivered to the possessor of said bills, in exchange for them; that is to say, one ounce of silver co[i>n] and so, gold coin, in proportion for twenty shillings;

Bills and other species whereby the tax may be paid.

and, *pro rata*, for a greater or less sum: and if any loss shall happen by the sale of the aforesaid species, or any [other] unforeseen accident shall arise, such deficiency shall be made good by a tax of the next year following, so as fully and effectually to call in the sum of bills emitted as aforesaid.

Value of the  
bills stated.

*And be it further enacted by the authority aforesaid,*  
[SECT. 20.] That twenty shillings, in bills hereby to be emitted, shall be equal to six shillings and eightpence, in bills of the new tenor, and to twenty shillings in bills of the old teno[u]r, already extant, and to one ounce of silver coin, Troy weight and sterling alloy, and to gold coin in proportion; and shall be, in like manner, accepted in all private payments, and shall effectually discharge all private debts whatsoever which may be discharged by bills of the old or new teno[u]r already extant. [*Passed July 7; published July 16.*]

## CHAPTER 3.

AN ACT FOR GRANTING UNTO HIS MAJESTY AN EXCISE UPON WINES, LIQUORS AND OTHER STRONG DRINK SOLD BY RETAIL, AND UPON LEM[M]ONS AND LIMES.

Preamble.

WE, his majest[y][ie]'s most loyal and dutiful subjects, the representatives of the province of the Massachusetts Bay, in general court assembled, being desir[e]ous to lessen the present debt of the province by drawing in a number of the bills of credit, in pursuance of several grants of this court, in the years one thousand seven hundred and twenty-eight, one thousand seven hundred and twenty-nine, one thousand seven hundred and thirty-three, and one thousand seven hundred and thirty-eight, have cheerfully and unanimously granted, and do hereby give and grant, unto his most excellent majesty, for the ends and uses above-mentioned, and for no other uses, an excise upon all brandy, rum and other spirits distilled, and upon all wines whatsoever, sold by retail, and upon lem[m]ons and limes taken in or used in making of punch or other liquors mixed for sale, or otherwise consumed in taverns, or other licensed houses, within this province; to be raised, levied, collected and paid by and upon every taverner, innholder, common victualler and retailer within each respective county, in manner following,—

*And be it accordingly enacted by His Excellency the Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

Time of this  
act's continu-  
ance.

[SECT. 1.] That, from and after the twenty-ninth day of June, one thousand seven hundred and forty, for the space of two years, every person licensed for retailing brandy, rum or other spirits, or wine, shall pay the duties following; vizt.,—

Rates of excise.

For every gallon of brandy, rum and spirits distilled, twelpence.  
For every gallon of wine of every sort, twelpence.  
—A pipe of wine to be accounted one hundred gallons.  
For every hundred of lem[m]ons, eight shillings and fourpence.  
For every hundred of limes, three shillings.  
And so proportionably for any other quantity or number.

*And be it further enacted by the authority aforesaid,*

Collectors to be  
appointed.

[SECT. 2.] That there be one or more collectors in each county, annually appointed by the general court, or by the court of general sessions of the peace where it shall happen that such collectors refuse to accept said office, or be removed by death, or for mismanagement, to take charge of this duty of excise, who shall have power to

inspect the houses of all such as are licensed, and of such as are suspected to sell without licence; which collectors shall be upon oath to take care of the due execution of this law, and to prosecute the breakers of it; and have power to appoint underofficers, upon oath; and the said collectors shall carefully examine the accounts of every licensed person in their respective counties, and demand, sue for and receive the several sums due from them by this act, and shall give in an accompt, under their hands, of the particular sums they receive, together with the names of the persons of whom received, unto the treasurer, upon oath; which oath the treasurer is hereby empowered and directed to administer, in the words following; vizt.—

To give account  
upon oath.

You, A. B., do swear, this is a just and true accompt of the excise upon all liquors by you received in the county of \_\_\_\_\_, and that the persons of whom you received the same were also upon oath. So help you God.

Form of the  
oath.

[SECT. 3.] And, at the time of receiving any money, the said collectors shall give two receipts of the same tenor and date, mentioning what sum or sums they have received from any taverner, innholder, common victualler or retailer; one of which receipts to be by the said taverner, innholder, common victualler or retailer, returned to the court of general sessions of the peace, within their respective counties, at the next session of such court; and the clerks of the said courts shall, within twenty days after the receipt thereof, transmit the same to the treasurer or receiver-general; and such collectors shall pay into the publick treasury of this province, all such sums as they shall receive, within six months from the date of their commission; and so, from time to time, within the space of six months, as long as they shall continue in such office, on pain of forfeiting the reward given such collectors by this act, who shall be allowed five per cent on all money by them collected and paid into the treasury, as aforesaid; each collector, before he enter into the said office, to give bond for double the sum that is usually received for excise, annually, in said county, to the treasurer of this province, for the time being, and his successors in said office, with sufficient sureties for the faithful discharge of his duty, and that he will duly pay in the money that he shall collect, to the treasurer of the province, for the time being; which bond shall be executed before the court of general sessions of the peace in the respective counties where the said collectors live, and transmit[ed] to the treasurer of the province, by the clerk of the peace within such county, within three months after the bond is executed; and the said treasurer shall put in suit the bonds of all such collectors who shall neglect to make due payment within sixty days after the expiration of the year.

Five per cent  
for collecting.

*And be it further enacted by the authority aforesaid,*

[SECT. 4.] That every taverner, innholder, common victualler and retailer shall, after the twenty-ninth day of June, one thousand seven hundred and forty, take an exact account of all rum, brandy and other distilled spirits and wine then by him, and give an account of the same unto the said collector, upon oath, and such other persons as shall be licensed during the continuance of the said act shall also give an account as aforesaid, upon oath, of what rum, brandy and other distilled spirits and wine he or they shall have by him or them at the time of his or their licence; which oath the collector shall have power to administer in the words following; vizt.—

Account to be  
taken.

You, A. B., do swear that the account exhibited by you is a true and just account of all the rum, brandy and [other] distilled spirits and wine now by you. So help you God.

*And be it further enacted,*

Within six months, account to be delivered.

[SECT. 5.] That every taverner, innholder, common victualler and retailer shall make a fair entry in a book, of all such rum, brandy and other distilled spirits and wine as he or they, or any for him or them, shall buy, distill or take in for sale after such account taken, and, at the end of every six months, deliver the same, in writing under his or their hands, to the collector, who is to administer an oath to him or them, that the said account is *bona fide* just and true, and that he or they do not know of any rum, brandy or other distilled spirits or wine, sold directly or indirectly by him or them, or any under him or them, or by his or their privy or consent, but what is contained in the account now exhibited; and shall pay him the duty thereof, excepting such part as the collector shall find is still remaining by him or them: twenty per cent to be allowed for leakage and other waste, for which no duty is to be paid.

Twenty per cent allowed for leakage.

Penalty on collectors not administering the oath.

[SECT. 6.] And every collector who shall neglect or refuse to administer such oath, in manner as aforesaid, being thereof convicted by due course of law, shall forfeit and pay the sum of fifty pounds, for the use of the province, to be recovered in manner as by this act is provided; and so, *toties quoties*.

General sessions to take recognizance.

[SECT. 7.] That the justices, in their general sessions of the peace, shall take recognizances, with sufficient sureties, of all persons by them licensed, both as to their keeping good rule and order, and duly observing the laws relating to persons so licensed, as also for their duly and truly rendering an account in writing under their hands as aforesaid, and paying their excise in manner as aforesaid; which recognizance shall be taken within the space of thirty days after the granting such licence[s], otherwise the person licensed shall lose the benefit of his or her said licence.

*And be it further enacted by the authority aforesaid,*

Penalty on giving a false account.

[SECT. 8.] That every taverner, innholder, common victualler or retailer who shall be found to give a false account of any brandy, distilled spirits or wine by him or her at the time of his or her taking licence, or bought, distilled or taken in for sale afterwards, or refuse to give in an account on oath as aforesaid, shall be rendered incapable of having a licence afterwards, and shall be prosecuted by the collector, for his or her neglect, and ordered by the general sessions of the peace to pay such sum of money as they may conclude that the excise of the liquors, &c., by him or her sold within such time would have amounted to, to be paid to the collector for the use of the province.

*Provided, always,—*

*And it is the true intent and meaning of this act,*

Proviso.

[SECT. 9.] That if any taverner, retailer or common victualler shall buy of another taverner or retailer such small quantities of liquors as the law obliges him to account to the collector for, and pay the excise, the taverner, retailer or common victualler, shall, notwithstanding, be accountable, and pay the excise as if none had been paid by the person he bought the same of.

Preamble.

*And whereas,* notwithstanding the laws made against selling strong drink without licence, many persons, not regarding the penalties and forfeitures in the said act, do receive and entertain persons in their houses, and sell great quantities of spirits and other strong drink without licence so to do first had and obtained, by reason whereof great debaucheries are committed and kept secret, the end of this law in a great measure frustrated, and such as take licences and pay the excise greatly wronged and injured,—



*Be it therefore further enacted,*

[SECT. 10.] That whosoever, after the twenty-ninth day of June, one thousand seven hundred and forty, shall presume to sell any brandy, rum or other distilled spirits, wine, beer, cyder, perry or any other strong drink in any smaller quantity than a quarter cask (twenty gallons to be accounted a quarter cask), without licence first had and obtained from the general sessions of the peace, and recognizing in manner as aforesaid, shall forfeit the sum of six pounds; one half whereof shall be for the use and benefit of the poor of the town where the offence shall be committed, and the other half to him who shall inform and sue for the same, and costs of prosecution; and all such as shall refuse or neglect to pay the fine aforesaid, shall stand closely and strictly committed in the common goal of the county, for forty days at least, and not to have the liberty of the goaler's house or yard. And any goaler giving any person liberty, contrary to this act, shall forfeit and pay ten pounds, to be employed in manner as aforesaid, and pay cost[s] of prosecution as aforesaid. And if any person or persons, not licensed as aforesaid, shall order, allow, permit or connive at the selling of any strong drink contrary to the true intent and meaning of this law, by his or her child or children, servant or servants, or any other person or persons belonging to or in his or her house or family, and be thereof convict, he, she or they shall be reputed the offender or offenders, and shall suffer the same penalties as if he, she or they had sold such drink themselves: *unless* such person or persons will, *bona fide*, swear that he, she or they did not order, allow or permit thereof, or connive thereat.

Forfeiture of  
20 for selling  
without licence

*And be it further enacted,*

[SECT. 11.] That two credible persons, declaring upon oath what they know of any facts that may be judged to be against this law forbidding unlicensed persons to sell strong drink, shall be sufficient to convict such person or persons thereof, altho' their testimony be to two different facts: *provided*, there be not more than the space of twenty days between the facts concerning which they declare.

Two persons'  
evidence suffi-  
cient.

*And be it further enacted,*

[SECT. 12.] That all fines, forfeitures and penalties arising by this act, shall and may be recovered by presentment of the grand jury at the court of sessions, or by bill, plaint or information, before any three of his majest[y][ie]'s justices of the peace, *quorum unus*, in the respective counties where such offence shall be committed; which said three justices are hereby impowered to try and determine the same: *saving, always*, to any person or persons who shall think him- her- or themselves aggrieved by the sentence or determination of the said three justices, as aforesaid, liberty of appeal therefrom to the next court of general sessions of the peace to be holden in and for said county, at which court such offence shall be finally determined: *provided*, that in said appeal the same rules be observed as are already by law required in appeals from one or more justices to the court of general sessions of the peace.

How fines shall  
be recovered.

Saving liberty  
of appeal.

Proviso.

*And be it further enacted,*

[SECT. 13.] That all evidence[s] relating to the aforesaid offence of selling strong drink without a licence, when the tryal shall be before three justices of the peace, as aforesaid, shall be taken in writing; and, in case the witnesses cannot be had and obtained to appear on an appeal before the court of sessions, that then and in such case the said written evidence shall be deemed as valid, to all intents and purposes, by the said court of sessions, as if the said witnesses had appeared and there given in their evidence, *visu voce*: and the said justices shall make a fair entry or record of all such their proceedings, such record to be lodged with the justice who is of the quorum.

Evidence of, to  
fore three jus-  
tices, to be in  
writing.



Houses not li-  
censed.

*And be it further enacted,*

[SECT. 14.] That when and so often as it shall be observed that there is a resort of persons to houses suspected to sell strong drink without licence, any justice of the peace shall have full power to convene such persons before him, and examine them upon oath, touching the person suspected of selling or retailing strong drink in such houses, and, on just grounds of suspicion, such justice shall call to his assistance two other justices, qualified as aforesaid, who shall proceed to hear and adjudge said offence, agreeable to such rules and directions as are in this act before provided; and if, upon such examination had, any person shall be convicted of such offence, the whole of the penalty of six pounds, in this act before provided for selling strong drink without licence, shall be to and for the use of the poor of the town where such offence shall be committed.

*And be it further enacted,*

Penalty on per-  
sons refusing to  
give evidence.

[SECT. 15.] That, if any person or persons shall be summoned to appear before the grand jury to give evidence relating to any person's selling strong drink without licence, or to appear before the court of general sessions of the peace or three justices, as aforesaid, to give evidence on the trial of any person informed against, presented or indicted for [the] selling strong drink without licence, and shall neglect or refuse to appear or to give evidence in that behalf, every person so offending shall forfeit and pay the sum of ten pounds for the use of the county where the offence shall be committed. [*Passed June 30; published July 16.*]

## CHAPTER 4.

AN ACT FOR LIMITATION OF ACTIONS, AND FOR AVOIDING SUITS IN LAW, WHERE THE MATTER IS OF LONG STANDING.

Preamble.

WHEREAS it is highly reasonable, and conduces much to the peace and welfare of the subject, that a certain and reasonable time should be set for the prosecuting of actions,—

*Be it therefore enacted by His Excellency the Governor, Council and Representatives in General Court assembled, and by the authority of the same,*

Time limited  
for bringing  
actions.

[SECT. 1.] That the several actions hereafter mentioned, which shall be brought at any time after the end of this present session of the general court, shall be commenced within the time and limitation hereafter expressed; that is to say, actions of trespass upon lands, or *quare clausum fregit*, within five years next after the cause of such actions or suits, and not afterwards; all actions for arrearages of rent, or grounded upon any lending or contract, without specialty, all actions upon the *quantum meruit*, or for service, within the space of four years next after the cause of such actions or suits, and not afterwards; all actions of trespass, of assault, menace, battery, wounding or imprisonment, all actions of malicious prosecution, within two years next after the cause of such actions or suits, and not afterwards; and all actions of detinue, deceit, trover, trespass and replevin, for taking away goods and chattels, within the term of three years, and not afterwards; and all actions of slander, or for words, within one year next after the words spoken, and not afterwards.

*Provided, however,*

Actions where  
the cause arises  
before the pub-  
lication of this

[SECT. 2.] That each and every of the actions before mentioned, the cause whereof hath arisen before the publication of this act, may be commenced in the like term of time from the publication hereof, as

herein before is set and limited for bringing such action or actions, respectively, from and after the cause thereof. act, when to be brought.

*And be it further enacted by the authority aforesaid,*

[SECT. 3.] That in all actions of the case for slanderous words, all actions of assault and battery, all actions for false imprisonment, and all actions for malicious prosecution, to be sued or prosecuted in any of the courts of record within this province, if the jury, upon the trial of the issue in such action, do find or allow the damage under forty shillings, the plaintiff or plaintiffs in such action[s] shall have and recover only so much costs as the damage[s] so given amount unto, without any further increase of the same. Regulation of the costs in several kinds of actions.

*Provided, always,—*

*And be it further enacted,*

[SECT. 4.] That this act shall not be understood to bar any infant, *feme covert*, person imprisoned, beyond the seas, or *non compos mentis*, from bringing either of the actions before mentioned within the term before set and limited for bringing such action, reckoning from the time that such impediment shall be removed. *[Passed July 7; published July 16.]* Proviso referring to infants, &c.

## CHAPTER 5.

AN ACT FOR ALTERING THE TIME FOR THE S[ITTING] OF THE COURT OF GENERAL SESSIONS OF THE PEACE AND INFERIOUR COURT OF COMMON PLEAS WITHIN AND FOR THE COUNTY OF DUKES COUNTY, IN THE MONTH OF MARCH.

WHEREAS the time for holding the court of general sessions of the peace and inferiour court of common pleas for the county of Dukes County on the last Tuesday of March, annually, is found, on divers accounts, inconvenient, and more especially because the persons employed in the whale fishery (being a considerable part of the inhabitants of said county) are then usually on their voyages,— Preamble. 1719-20, chap. 5.

*Be it therefore enacted by His Excellency the Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

That the said inferiour court of common pleas and court of general sessions of the peace appointed to be holden for the county of Dukes County upon the last Tuesday of March, shall henceforth be holden and ke[ep]t upon the first Tuesday of March, annually, as formerly. Time for holding courts in Dukes County altered. 1699-1700, chap. 2, § 2.

*[Passed June 30; published July 16.]*

## CHAPTER 6.

AN ACT FURTHER TO EXEMPT PERSONS COMMONLY CALLED AN[N]A-BAPTISTS, WITHIN THIS PROVINCE, FROM BEING TAXED FOR AND TOWARDS THE SUPPORT OF MINISTERS.

WHEREAS some [of the] inhabitants of this province called An[n]a-baptists refuse to pay any part or proportion of such rates or taxes as are, from time to time, assessed for the support of the ministry in the several towns whereto they belong, alledging a scruple of conscience for such their refusal,— Preamble. 1734-35, chap. 4.

*Be it therefore enacted by His Excellency the Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

Anabaptists  
exempted from  
taxes for min-  
isters and meet-  
ing-houses.

[SECT. 1.] That, from and after the publication of this act, none of the persons commonly called An[n]abaptists, who alledge [a] scruple of conscience as the reason of their refusal to pay any part or proportion of such taxes as are, from time to time, assessed for the support of the minister or ministers of the church[e]s established by the laws of this province in the town or place where they dwell, shall have their poll, or estate real or personal, in their own hands and under their actual improvement, taxed towards the support of such minister or ministers, or for the building of any meeting-house or place of publick worship.

And, to the intent that it may be better known what persons are of that perswasion and who are exempted by this act,—

*Be it enacted by the authority aforesaid,*

Method for  
knowing who  
are Anabaptists.

[SECT. 2.] That the assessors of each town where any of the said An[n]abaptists live, or their lands in their own actual improvement l[i][y]e, shall, on or before the twentieth day of July next, and from thence annually, sometime before the twentieth day of April, take a list of all such persons, and forthwith transmit the same to the town clerk, which list shall be entred on the record of such town by the said clerk, who is hereby impowered and directed to enter the same accordingly; [so] that [so] any of the people called An[n]abaptists, or any members of their society thereto appointed, may view such list and have a copy thereof, if they desire the same, paying only sixpence therefor. And if any person of that denomination shall be omitted in such list, by the assessors taken, and the assessors shall be certified thereof, in writing, under the hands of two principal members of that denomination, appointed thereto by the respective societ[ie][y]s, some time before the tenth day of September next, and from thence some time before the tenth day of May then next after, that such persons, not inserted in their list, they believe to be conscientiously of that perswasion, and that they do frequently and usually attend their meeting for the worship of God, on the Lord's Day, the assessors shall also exempt the said persons so omitted, and their estates in their actual management and improvement, as well as all others inserted in the said lists, from all rates and taxes by the said assessors to be made for the support of the minister or ministers in their towns, or for erecting places of publick worship.

*And be it further enacted by the authority aforesaid,*

Tax taken off  
from the Ana-  
baptists to be  
assessed on the  
other inhabi-  
tants.

[SECT. 3.] That the assessors in each town or precinct, respectively, be and hereby are enabled and impowered to assess and levy, in proportion to the province tax, the whole ministerial rate, as by contract or by order of the general sessions of the peace in the respective count[ie][y]s, according to law, or the sums that shall be granted by the inhabitants of any town or precinct, for the erecting or repairing a publick place for the worship of God, at a meeting of the said inhabitants qualified to vote in town affairs, regularly convened, on the persons and estates of all others living and lying within such town or precinct not express[e]d in the list given in to the town clerk, or added thereto as aforesaid.

*And be it further enacted by the authority aforesaid,*

Anabaptists  
exempted from  
ministerial  
taxes not to vote  
in such affairs.

[SECT. 4.] That all persons exempted by this act, as aforesaid, from paying their part of any town, parish or precinct taxes, assessed for and towards any settlement or support of the ministers of the churches established by the laws of this province, or towards the building or repairing of any meeting-house for the publick worship of God, where

they are inhabitants, shall be and hereby are debarred from voting in any such affairs.

*Provided,*

[SECT. 5.] That this act shall not be construed or understood to Proviso. extend to new towns, granted upon condition of set[tl]ing an orthodox minister and erecting a house for the publick worship of God, till such time as those things are accomplished.

[SECT. 6.] This act to continue and be in force for the space of Limitation. seven years from the publication thereof, and from thence to the end of the then next session of the general assembly, and no longer. [*Passed June 30 ; published July 16.*]

## CHAPTER 7.

### AN ACT FOR DIVIDING THE TOWN OF LANCASTER, AND MAKING A NEW TOWN THERE BY THE NAME OF LEOMINSTER.

WHEREAS the inhabitants of the north-westerly part of the town of Preamble. Lancaster, by reason of the great difficulties they labour under, have addressed this court to be set off a separate township, wherunto the inhabitants of said town have manifested their consent,—

*Be it therefore enacted by His Excellency the Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

[SECT. 1.] That the north-westerly part of the town of Lancaster, Boundaries of a new township set off from Lancaster, by the name of Leominster. comprehended within the following boundaries; vizt., beginning four miles southerly from the north-westerly corner of the old township; and from thence, running westerly, over the southernmost Wakapeekit Hill, and so, over the Rocky Hill; and thence, to the westerly line of the additional grant, so called; from thence, north-easterly, to an heap of stones on Monoospeck Hill; from thence, to an heap of stones, being a corner mark, by Unekachawaluck Pond; from thence, south-easterly, by said pond and Massapoge Pond, and as the marks direct, to the north-westerly corner of said Lancaster old bound[s]; and then, with the land of Thomas Houghton, to Lancaster old west line; thence, southerly, with said line, to the station first mentioned, be and hereby is set off from the town of Lancaster, and erected into a separate and distinct township by the name of Leominster.

[SECT. 2.] And that the inhabitants thereof, be and hereby are vested with all the powers, priviledges and immunities which the inhabitants of other towns within this province do, or by law ought to, enjoy.

*Provided, nevertheless,*

[SECT. 3.] That the said new town shall pay their proportionable Proviso. part of all such town, county and province charges as are already assessed upon the town of Lancaster, in like manner as though this act had never been made.

*And be it further enacted by the authority aforesaid,*

[SECT. 4.] That the selectmen or assessors of the town of Leominster be, and hereby are, fully authorized and impowered, annually, for the space of three years next to come, to assess all the lands of the resident and non-resident proprietors within the said township, at one penny per acre, in bills of the new tenour, for and towards defraying such charges as may arise for building a meeting-house, settling and supporting of a minister among them; and the constables or collectors of the said township shall collect and pay in the same unto the selectmen or such person as they shall appoint to receive the same. [*Passed June 23 ; published July 16.*]

Assessors of Leominster empowered to assess l.d. new tenor per acre three years, to defray charges.

## CHAPTER 8.

AN ACT FOR APPORTIONING AND ASSESSING A TAX OF TWENTY-FOUR THOUSAND POUNDS, IN BILLS OF CREDIT OF THE NEW TENOR AND FORM ALREADY EXTANT; AND ALSO FOR APPORTIONING AND ASSESSING A FURTHER TAX OF ONE THOUSAND SIX HUNDRED AND SEVENTY-FOUR POUNDS SEVENTEEN SHILLINGS AND FOURPENCE, IN BILLS OF CREDIT OF SAID TENOR AND FORM, PAID THE REPRESENTATIVES FOR THEIR SERVICE AND ATTENDANCE IN GENERAL COURT, AND TRAVEL, *ANNO* ONE THOUSAND SEVEN HUNDRED AND THIRTY-EIGHT, AND IN THEIR SESSION IN APRIL, ONE THOUSAND SEVEN HUNDRED AND THIRTY-NINE; AND ALSO FOR APPORTIONING A FURTHER TAX, IN SAID BILLS OF THE NEW TENOR, OF ONE HUNDRED AND THIRTY-SIX POUNDS THIRTEEN SHILLINGS AND FOURPENCE, AS A FINE, LAID THE LAST YEAR AND THIS PRESENT, ON THE SEVERAL TOWNS PARTICULARLY IN THIS ACT MENTIONED, FOR NOT SENDING A REPRESENTATIVE.

WHEREAS the great and general court or assembly of the province of the Massachusetts Bay, in New England, at their sessions in the years hereafter mentioned, did pass several grants of taxes on polls and estates, as funds and security for the payment and drawing in several sums in bills of credit on this province ordered to be imprinted, repeated and issued out of the publick treasury for the service of the government; that is to say, at their session held in the month of May, one thousand seven hundred and twenty-eight, the sum of twenty thousand pounds;\* at their session held, by adjournment, in November, one thousand seven hundred and thirty-three, the sum of five thousand five hundred and twenty-five pounds; at their session in May, one thousand seven hundred and twenty-nine, the sum of twenty thousand pounds;† at their session held, by adjournment, in November, one thousand seven hundred and thirty-three, the further sum of five thousand five hundred and twenty-five pounds, all bills of the old tenor and form; and at their session in May, one thousand seven hundred and thirty-seven, one thousand pounds, bills of the new tenor; and, by the acts and resolves of the courts that made the aforesaid grants, it was ordered, that the several sums aforesaid, amounting in the whole to fifty-four thousand and fifty pounds, in bills of the old form and tenor, equal to eighteen thousand and sixteen pounds thirteen shillings and fourpence in bills of the new tenor already extant, shall be apportioned, assessed and levied on polls, and estates both real and personal, within this province, according to such rules, and in such proportion upon the several towns and districts within the same, as should be agreed on by this court: *and* 1733-34, chap. 7, § 22. 1733-34, chap. 7, § 23. 1737-38, chap. 2, § 2. 1737-38, chap. 15. 1738-39, chap. 1. 1738-39, chap. 15, § 10. 1738-39, chap. 1, § 19. *whereas* this court did likewise, at their session in the month of May, one thousand seven hundred and thirty-seven, emit the sum of six thousand pounds; and, at their session in May, one thousand seven hundred and thirty-eight, did emit the further sum of six thousand pounds in bills of the new tenor and form, and did likewise pass acts for levying, assessing and apportioning the same, but did therein provide that this present assembly might, notwithstanding, anew apportion the said sum on the several towns of this province if they thought fit; and have likewise ordered, that the sum of one thousand six hundred seventy-four pounds seventeen shillings and fourpence, in bills of the new tenor, paid the representatives, should be levied and assessed on the polls and estates of the inhabitants of the several towns according to what their respective representatives have received; and have also, at their session in May 1739 [*one thousand seven hundred and thirty-nine*], and at their

\* NOTES to 1728-29, resolve (b).

† NOTES to 1729-30, resolve (a).



present session, laid the sum of one hundred thirty-six pounds thirteen shillings and fourpence in bills of the new tenor already extant, equal to four hundred and ten pounds in bills of the old tenor, as a fine on several towns for not sending a representative; *wherefore*, for the ordering, directing and effectual drawing in the sum of twelve thousand pounds in bills of the new tenor already extant, which, with the sum of six thousand and sixteen pounds thirteen shillings and fourpence, to be drawn in by the excise, the income of the bills let out, and the light-house, &c<sup>a</sup>., will make the said sum of eighteen thousand and sixteen pounds thirteen shillings and fourpence, equal to fifty-four thousand and fifty pounds, in bills of the old form and tenor, as aforementioned, pursuant to the funds and grants aforesaid; and also for the effectual drawing in the sum of twelve thousand pounds, according to the apportionment now agreed to by this court; and also the sum of one thousand six hundred and seventy-four pounds seventeen shillings and fourpence, paid the representatives, as aforesaid; and the sum of one hundred and thirty-six pounds thirteen shillings and fourpence, equal to four hundred and ten pounds in bills of the old tenor, laid as a fine on several towns for not sending a representative; all which is unanimously approved, ratified and confirmed; we, his majesty's most loyal and dutyfull subjects, the representatives in general court assembled, pray that it may be enacted,—

*And be it accordingly enacted by His Excellency the Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

[SECT. 1.] That each town and district within this province be assessed and pay, as such town's and district's proportions of the sum of twenty-four thousand pounds, bills of the new tenor, as also for the fines laid on them, and their representatives' pay, the several sums following; that is to say,—

IN THE COUNTY OF SUFFOLK.

	REPRESENTATIVES' TAX.	FINES.	PROVINCE TAX.		SUM TOTAL.
	£55 6s. 4d.	£0 0s. 0d.	£4,058 2s. 0d.	Four thousand one hundred and thirteen pounds eight shill <sup>ts</sup> and fourpence,	£4,113 8s. 4d.
Boston,	12 16 8	0 0 0	209 4 0	Two hundred and twenty-two pounds and eightpence,	222 0 8
Roxbury,	14 0 0	0 0 0	198 2 0	Two hundred and twelve pounds and two shillings,	212 2 0
Dorchester,	14 0 0	0 0 0	100 6 0	One hundred and fourteen pounds and six shillings,	114 6 0
Milton,	16 18 4	0 0 0	196 2 0	Two hundred and thirteen pounds and fourpence,	213 0 4
Braintree,	16 18 4	0 0 0	193 12 0	Two hundred and fifty pounds ten shillings and fourpence,	250 10 4
Weymouth,	16 0 0	0 0 0	227 4 0	Two hundred and forty-three pounds and four shillings,	243 4 0
Hingham,	16 18 4	0 0 0	181 0 0	One hundred ninety-seven pounds eighteen shillings and fourpence,	197 18 4
Medford,	9 13 4	0 0 0	101 14 0	One hundred and eleven pounds seven shillings and fourpence,	111 7 4
Wrentham,	16 16 8	0 0 0	150 10 0	One hundred sixty-seven pounds six shillings and eightpence,	167 6 8
Medway,	16 11 8	6 13 4	73 2 0	Ninety-six pounds and seven shillings,	96 7 0
Straughton,	16 18 4	0 0 0	105 2 0	One hundred twenty-two pounds and fourpence,	122 0 4
Hull,	0 0 0	0 0 0	42 6 0	Forty-two pounds and six shillings,	42 6 0
Brookline,	0 0 0	6 13 4	78 12 0	Eighty-five pounds five shillings and fourpence,	85 5 4
Needham,	12 11 8	0 0 0	89 2 0	One hundred one pounds thirteen shillings and eightpence,	101 13 8
Bellingham,	16 8 0	0 0 0	43 12 0	Forty-four pounds eight shillings and eightpence,	44 8 8
Walpole,	0 0 0	0 0 0	41 10 0	Forty-one pounds and ten shillings,	41 10 0
Chelsea,	0 0 0	0 0 0	69 18 0	Sixty-nine pounds and eighteen shillings,	69 18 0
	£236 6s. 4d.	£13 6s. 8d.	£5,099 0s. 0d.	Six thousand three hundred forty-eight pounds thirteen shill <sup>ts</sup> ,	£5,348 13s. 0d.

IN THE COUNTY OF ESSEX.

	£12 10s. 0d.	£0 0s. 0d.	£690 0s. 0d.	Seven hundred two pounds and ten shillings,	£702 10s. 0d.
Salem,	35 6 8	0 0 0	676 0 0	Seven hundred eleven pounds six shillings and eightpence,	711 6 8
Ipswich,	34 6 8	0 0 0	615 0 0	Six hundred forty-nine pounds six shillings and eightpence,	649 6 8
Newbury,	33 10 0	0 0 0	456 0 0	Four hundred eighty-nine pounds and ten shillings,	489 10 0
Marblehead,	16 18 4	0 0 0	230 2 0	Two hundred forty-seven pounds and fourpence,	247 0 4
Lynn,	17 13 4	0 0 0	279 2 0	Two hundred ninety-six pounds fifteen shillings and fourpence,	296 15 4
Andover,	17 8 4	0 0 0	187 10 0	Two hundred four pounds eighteen shillings and fourpence,	204 18 4
Beverly,	16 13 4	0 0 0	182 0 0	One hundred ninety-eight pounds three shillings and fourpence,	198 3 4
Roxley,	18 3 4	0 0 0	212 0 0	Two hundred thirty pounds thirteen shillings and fourpence,	230 13 4
Salisbury,	14 10 0	0 0 0	225 6 0	Two hundred thirty-nine pounds and sixteen shillings,	239 16 0
Haverhill,	18 3 4	0 0 0	314 2 0	Three hundred thirty-two pounds five shillings and fourpence,	332 5 4
Gloster,	17 13 4	0 0 0	87 2 0	One hundred four pounds fifteen shillings and fourpence,	104 15 4
Topsfield,					

	£17 13s. 4d.	£0 0s. 0d.	£109 12s. 0d.	One hundred twenty-seven pounds five shillings and fourpence, . Two hundred six pounds thirteen shillings and fourpence, . One hundred seventeen pounds eighteen shillings and eightpence, . Ninety-nine pounds seven shillings and fourpence, . Sixty-eight pounds and eight shillings, . Seventy and three pounds, . Sixty-two pounds and sixteen shillings, . Twenty and four pounds, . Five thousand one hundred eighty-six pounds nine shillings and fourpence, .	£127 5s. 4d.
Boxford, .	18 13 4	0 0 0	188 0 0		206 13 4
Abusbury, .	15 16 8	0 0 0	102 2 0		117 18 8
Bradford, .	17 13 4	0 0 0	81 14 0		99 7 4
Wendham, .	0 0 0	0 0 0	68 8 0		68 8 0
Manchester, .	0 0 0	0 0 0	73 0 0		73 0 0
Methuen, .	0 0 0	0 0 0	62 16 0		67 16 0
Middleton, .	0 0 0	0 0 0	24 0 0		24 0 0
Kimford, .	0 0 0	0 0 0			
	£322 13s. 4d.	£0 0s. 0d.	£4,863 16s. 0d.		£5,186 9s. 4d.

## IN THE COUNTY OF MIDDLESEX.

	£14 0s. 0d.	£0 0d. 0s.	£156 18s. 0d.	One hundred seventy pounds and eighteen shillings, . Four hundred seventy-nine pounds and fourteen shillings, . One hundred twelve pounds and eight shillings, . Two hundred thirty-six pounds and two shillings, . One hundred six pounds nine shillings and fourpence, . One hundred eighty-eight pounds nine shillings and fourpence, . One hundred seventy-nine pounds nineteen shillings and fourpence, . Two hundred nine pounds and eighteen shillings, . One hundred seventy-eight pounds eleven shillings and fourpence, . One hundred thirty-one pounds and eight shillings, . One hundred fifty pounds sixteen shillings and eightpence, . One hundred twenty-seven pounds and fourteen shillings, . One hundred thirty-five pounds and ten shillings, . Eighty-seven pounds and nine shillings, . Forty-nine pounds and two shillings, . One hundred forty-eight pounds and twelve shillings, . One hundred fifty-eight pounds and seven shillings and fourpence, . Sixty pounds and eight shillings, . Eighty-eight pounds and four shillings, . Forty-five pounds fourteen shillings and eightpence, . Fifty pounds thirteen shillings and fourpence, . Fifty pounds and four shillings, . Eighty-seven pounds nine shillings and eightpence, . Sixty pounds, . Sixty pounds seven shillings and fourpence, .	£170 18s. 0d.
Cambridge, .	27 0 0	0 0 0	432 14 0		479 14 0
Charlestown, .	14 0 0	0 0 0	98 8 0		112 8 0
Watertown, .	16 10 0	0 0 0	219 12 0		236 2 0
Concord, .	17 3 4	0 0 0	89 6 0		106 9 4
Weston, .	16 13 4	0 0 0	171 16 0		188 9 4
Woburn, .	16 13 4	0 0 0	163 6 0		179 19 4
Reading, .	16 0 0	0 0 0	193 18 0		209 18 0
Sudbury, .	16 0 0	0 0 0	160 18 0		178 11 4
Marlboro, .	17 13 4	0 0 0	121 10 0		138 3 4
Lexington, .	16 13 4	0 0 0	147 8 0		161 8 0
Newton, .	14 0 0	0 0 0	138 0 0		150 16 8
Malden, .	12 16 8	0 0 0	110 14 0		127 14 0
Chelmsford, .	17 0 0	0 0 0	119 0 0		135 10 0
Billerica, .	15 5 0	0 0 0	72 4 0		87 9 0
Sherborn, .	15 10 0	0 0 0	49 2 0		49 2 0
Holliston, .	0 0 0	0 0 0	136 12 0		148 12 0
Groton, .	12 0 0	0 0 0	111 14 0		138 17 4
Frammingham, .	17 3 4	0 0 0	76 8 0		90 8 0
Medford, .	14 0 0	0 0 0	68 4 0		88 4 0
Stow, .	0 0 0	20 0 0	43 8 0		45 14 8
Dunstable, .	2 6 8	6 13 4	44 0 0		60 13 4
Prout, .	0 0 0	0 0 0	50 4 0		60 4 0
Stonham, .	0 0 0	0 0 0	73 12 0		87 9 8
Littlington, .	13 17 8	0 0 0	60 0 0		60 0 0
Lopkinton, .	0 0 0	0 0 0	53 14 0		60 0 0
Bedford, .	0 0 0	6 13 4			60 7 4

IN THE COUNTY OF MIDDLESEX—Continued.

	REPRESENTATIVES' TAX.	FINES.	PROVINCE TAX.		SUM TOTAL.
Westford, . . . . .	£0 0s. 0d.	£0 0s. 0d.	£72 4s. 0d.	Seventy-two pounds and four shillings, . . . . .	£72 4s. 0d.
Winington, . . . . .	0 0 0	0 0 0	48 10 0	Forty-eight pounds and ten shillings, . . . . .	48 10 0
Northam, . . . . .	0 0 0	0 0 0	30 18 0	Thirty pounds and eighteen shillings, . . . . .	30 18 0
Tewksbury, . . . . .	0 0 0	0 0 0	39 14 0	Thirty-nine pounds and fourteen shillings, . . . . .	39 14 0
Acton, . . . . .	0 0 0	0 0 0	26 4 0	Twenty-six pounds and four shillings, . . . . .	26 4 0
Waltham, . . . . .	16 18 4	0 0 0	87 0 0	One hundred three pounds eighteen shillings and fourpence, . . . . .	168 18 4
Town-head, . . . . .	0 0 0	0 0 0	24 0 0	Twenty and four pounds, . . . . .	24 0 0
Litchfield, . . . . .	0 0 0	0 0 0	18 0 0	Eighteen pounds, . . . . .	18 0 0
	£324 4s. 4d.	£33 6s. 8d.	£3,559 0s. 0d.	Three thousand nine hundred sixteen pounds and eleven shillings, . . . . .	£3,916 11s. 0d.

IN THE COUNTY OF HAMPSHIRE.

Springfield, . . . . .	£15 6s. 8d.	£0 0s. 0d.	£262 10s. 0d.	Two hundred seventy-seven pounds sixteen shillings and eightpence, . . . . .	£277 16s. 8d.
Northampton, . . . . .	9 13 4	0 0 0	187 14 0	One hundred ninety-seven pounds seven shillings and fourpence, . . . . .	197 7 4
Hadley, . . . . .	0 0 0	0 0 0	133 16 0	One hundred thirty-three pounds and sixteen shillings, . . . . .	133 16 0
Hatfield, . . . . .	4 6 8	0 0 0	111 4 0	One hundred fifteen pounds ten shillings and eightpence, . . . . .	115 10 8
Westfield, . . . . .	13 14 0	0 0 0	116 10 0	One hundred thirty pounds and four shillings, . . . . .	130 4 0
Sutfield, . . . . .	19 6 8	13 6 8	146 10 0	One hundred seventy-nine pounds three shillings and fourpence, . . . . .	179 3 4
Enfield, . . . . .	13 14 0	0 0 0	80 16 0	Ninety-four pounds and ten shillings, . . . . .	94 10 0
Deerfield, . . . . .	21 18 4	10 0 0	73 10 0	One hundred five pounds eight shillings and fourpence, . . . . .	105 8 4
Sunderland, . . . . .	0 0 0	0 0 0	38 10 0	Thirty-eight pounds and ten shillings, . . . . .	38 10 0
Northfield, . . . . .	0 0 0	3 6 8	60 0 0	Sixty-three pounds six shillings and eightpence, . . . . .	63 6 8
Brimfield, . . . . .	0 0 0	6 13 4	61 8 0	Sixty-eight pounds one shilling and fourpence, . . . . .	68 1 4
Somers, . . . . .	0 0 0	38 14 0	38 14 0	Thirty-eight pounds and fourteen shillings, . . . . .	38 14 0
Shethfield, . . . . .	0 0 0	0 0 0	48 0 0	Forty-eight pounds, . . . . .	48 0 0
	£97 19s. 8d.	£33 6s. 8d.	£1,359 2s. 0d.	Fourteen hundred ninety pounds eight shillings and fourpence, . . . . .	£1,490 8s. 4d.

IN THE COUNTY OF WORCESTER.

Worcester, . . . . .	£18 8s. 4d.	£0 0s. 0d.	£78 0s. 0d.	Ninety-six pounds eight shillings and fourpence, . . . . .	£96 8s. 4d.
Lancaster, . . . . .	18 3 4	0 0 0	6 2 0	Twenty-four pounds five shillings and fourpence, . . . . .	24 5 4
Mendon, . . . . .	17 18 8	0 0 0	117 6 0	One hundred thirty-five pounds four shillings and eightpence, . . . . .	135 4 8
Woodstock, . . . . .	19 13 4	0 0 0	122 8 0	One hundred forty-two pounds one shilling and fourpence, . . . . .	142 1 4

	£12 13s. 4d.	£0 0s. 0d.	£99 14s. 0d.	One hundred twelve pounds seven shillings and fourpence, Eighty-five pounds seventeen shillings and fourpence, Fifty-eight pounds and four shillings, Forty-six pounds and fourteen shillings, Thirty-nine pounds, Ninety-seven pounds two shillings and fourpence, Sixty-seven pounds and ten shillings, Fifty-two pounds, Ninety-six pounds and twelve shillings, Sixty pounds and twelve shillings, Forty-eight pounds and eight shillings, Forty-six pounds and six shillings, Thirteen pounds and six shillings, Twenty-four pounds, Fifty-four pounds and eight shillings, Fifteen pounds and eight shillings, Seventeen pounds ten shillings,	£112 7s. 4d.
Brookfield,	17 13 4	0 0 0	58 4 0		85 17 4
Southboro,	0 0 0	0 0 0	58 4 0		58 4 0
Leicester,	0 0 0	0 0 0	36 14 0		46 14 0
Rutland,	0 0 0	0 0 0	39 0 0		39 0 0
Lunenburg,	0 0 0	0 0 0	68 14 0		97 2 4
Westboro,	15 1 8	13 6 8	67 10 0		67 10 0
Shrewsbury,	0 0 0	0 0 0	42 0 0		52 0 0
Oxford,	0 0 0	0 0 0	80 2 0		52 0 0
Sutton,	16 10 0	0 0 0	60 12 0		96 12 0
Uxbridge,	0 0 0	0 0 0	48 8 0		60 12 0
Harvard,	0 0 0	0 0 0	46 4 0		48 8 0
Grafton,	0 0 0	0 0 0	13 6 0		46 4 0
Upton,	0 0 0	0 0 0	24 0 0		13 6 0
Dudley,	0 0 0	0 0 0	54 8 0		24 0 0
Bolton,	0 0 0	0 0 0	15 8 0		54 8 0
Sturbridge,	0 0 0	0 0 0	15 8 0		15 8 0
Hartwick,	0 0 0	0 0 0	17 10 0		15 8 0
Leominster,	0 0 0	0 0 0			17 10 0
	£136 2s. 0d.	£33 6s. 8d.	£1,279 2s. 0d.	Fourteen hundred forty-eight pounds ten shillings and eightpence,	£1,418 10s. 8d.

## IN THE COUNTY OF PLYMOUTH.

	£15 0s. 0d.	£0 0s. 0d.	£217 18s. 0d.	Two hundred thirty-two pounds and eighteen shillings, One hundred twelve pounds seven shillings and eightpence, Three hundred nine pounds fifteen shillings and fourpence, Two hundred eighty seven pounds seventeen shillings and fourpence, One hundred eighty-one pounds three shillings and eightpence, One hundred eight pounds twelve shillings and eightpence, One hundred five pounds and sixteen shillings, Two hundred two pounds eleven shillings and fourpence, One hundred sixty pounds thirteen shillings and fourpence, Fifty-two pounds and eight shillings, Sixty-four pounds sixteen shillings and sixpence, Ninety-one pounds and twelve shillings, Fifty-one pounds, Forty-one pounds and fourteen shillings,	£232 18s. 0d.
Plymouth,	7 11 8	0 0 0	101 16 0		112 7 8
Plymouth,	17 13 4	0 0 0	292 2 0		369 15 4
Scituate,	17 13 4	0 0 0	279 4 0		287 17 4
Bridgewater,	16 1 8	0 0 0	165 2 0		381 3 8
Mattituck,	15 16 8	0 0 0	92 16 0		108 12 8
Pembroke,	17 10 0	0 0 0	88 6 0		105 16 0
Duxbury,	16 13 4	0 0 0	185 18 0		292 11 4
Malden,	19 3 4	0 0 0	111 10 0		160 13 4
Rochester,	0 0 0	0 0 0	52 8 0		52 8 0
Alington,	0 0 0	0 0 0	61 10 0		61 16 8
Kingsdon,	0 0 0	3 6 8	75 2 0		91 12 0
Ilmoe,	16 10 0	0 0 0	51 0 0		51 0 0
Hathian,	0 0 0	0 0 0	41 14 0		41 14 0
Wareham,	0 0 0	0 0 0			
	£150 13s. 4d.	£3 6s. 8d.	£1,810 6s. 0d.	Two thousand and three pounds six shillings,	£2,003 6s. 0d.



IN THE COUNTY OF BARNSTABLE.

	REPRESENTATIVES' PAY.		FINES.	PROVINCE TAX.			SHEM TOTAL.
	£18	6s. 8d.	£0	0s. 0d.	£259	12s. 0d.	
Barnstable, . . . . .	.	.	0	0	171	2	£287 18s. 8d.
Yarnmouth, . . . . .	17	6 8	0	0	171	2	188 8 8
Sandwich, . . . . .	17	6 8	0	0	156	0	173 16 8
Eastham, . . . . .	13	13 4	0	0	194	12	208 5 4
Truro, . . . . .	0	0	0	0	64	16	64 16 0
Harwich, . . . . .	13	10 0	0	0	126	14	140 4 0
Falmouth, . . . . .	10	16 8	0	0	99	18	110 14 8
Chatham, . . . . .	0	0	0	0	74	16	74 16 0
Provincetown, . . . . .	0	0	0	0	0	0	0 0 0
	£91 10s. 0d.		£0	0s. 0d.	£1,157	10s. 0d.	£1,249 0s. 0d.
	Two hundred eighty-seven pounds eighteen shillings and eightpence, . . . . . One hundred eighty-eight pounds eight shillings and eightpence, . . . . . One hundred seventy-three pounds sixteen shillings and eightpence, . . . . . Two hundred eight pounds five shillings and fourpence, . . . . . Sixty-four pounds and sixteen shillings, . . . . . One hundred and forty pounds four shillings, . . . . . One hundred ten pounds fourteen shillings and eightpence, . . . . . Seventy-four pounds and sixteen shillings, . . . . . Twelve hundred and forty-nine pounds, . . . . .						

IN THE COUNTY OF BRISTOL.

	REPRESENTATIVES' PAY.		FINES.	PROVINCE TAX.			SHEM TOTAL.
	£18	10s. 0d.	£0	0s. 0d.	£178	4s. 0d.	
Bristol, . . . . .	18	3 4	0	0	222	2	£196 14s. 0d.
Taunton, . . . . .	15	3 4	0	0	127	8	240 5 4
Norton, . . . . .	0	0	0	0	41	14	142 11 4
Easton, . . . . .	19	10 0	0	0	346	14	41 14 0
Dartmouth, . . . . .	18	13 4	0	0	80	2	366 4 0
Dighton, . . . . .	18	13 4	0	0	280	0	98 15 4
Rehoboth, . . . . .	17	5 0	0	0	175	2	298 13 4
Little Compton, . . . . .	15	10 0	0	0	96	0	192 7 0
Tiverton, . . . . .	0	0	20	0	80	8	111 10 0
Freetown, . . . . .	18	3 4	0	0	146	2	100 8 0
Attleboro', . . . . .	0	0	0	0	68	0	164 5 4
Barrington, . . . . .	0	0	0	0	47	2	68 0 0
Raynham, . . . . .	0	0	0	0	49	18	47 2 0
Berkley, . . . . .	18	0 0	0	0	198	0	49 18 0
Swanscy with Shewamct, . . . . .	0	0	0	0	0	0	216 0 0
	£177 11s. 8d.		£20	0s. 0d.	£2,136	16s. 0d.	£2,334 7s. 8d.
	Two thousand three hundred thirty-four pounds seven shills. and eightpence, . . . . .						

## IN THE COUNTY OF YORK.

	£20 3s. 4d.	£0 0s. 0d.	£209 14s. 0d.		£229 17s. 4d.
York, . . . . .	18 16 8	0 0 0	270 8 0	Two hundred twenty-nine pounds seventeen shillings and fourpence,	289 4 8
Kittery, . . . . .	15 16 8	0 0 0	141 4 0	Two hundred eighty-nine pounds four shillings and eightpence,	157 0 8
Berwick, . . . . .	17 16 8	0 0 0	118 16 0	One hundred thirty-seven pounds and eightpence, . . . . .	136 12 8
Wells, . . . . .	18 16 8	0 0 0	159 6 0	One hundred thirty-six pounds twelve shillings and eightpence,	178 2 8
Falmouth, . . . . .	20 10 0	0 0 0	53 2 0	One hundred seventy-eight pounds two shillings and eightpence,	73 12 0
Bideford, . . . . .	9 6 8	0 0 0	49 10 0	Seventy-three pounds and twelve shillings, . . . . .	58 16 8
Attmold, . . . . .	0 0 0	0 0 0	39 8 0	Fifty-eight pounds sixteen shillings and eightpence,	99 8 0
Searleford, . . . . .	0 0 0	0 0 0	35 4 0	Ninety-nine pounds and eight shillings, . . . . .	35 4 0
North Yarmouth, . . . . .	0 0 0	0 0 0	24 0 0	Thirty-five pounds and four shillings, . . . . .	24 0 0
Georgetown, . . . . .	0 0 0	0 0 0	30 0 0	Twenty-four pounds, . . . . .	30 0 0
Brunswick, . . . . .	0 0 0	0 0 0	30 0 0	Thirty pounds, . . . . .	30 0 0
	£121 6s. 8d.	£0 0s. 0d.	£1,190 12s. 0d.	One thousand three hundred eleven pounds eighteen shillings and eightpence, . . . . .	£1,311 18s. 8d.

## IN THE COUNTY OF DUKES COUNTY.

	£0 0s. 0d.	£96 0s. 0d.		£96 0s. 0d.
Fideartown, . . . . .	0 0 0	102 6 11	Ninety-six pounds, . . . . .	102 6 11
Chilmark, . . . . .	0 0 0	83 13 1	One hundred two pounds six shillings and elevenpence,	83 13 1
Tisbury, . . . . .	0 0 0	83 13 1	Eighty-three pounds thirteen shillings and a penny, . . . . .	83 13 1
	£0 0s. 0d.	£282 0s. 0d.	Two hundred and eighty-two pounds, . . . . .	£282 0s. 0d.

## IN NANTUCKET COUNTY.

	£7 10s. 0d.	£0 0s. 0d.	£232 16s. 0d.		£240 6s. 0d.
Sherburne, . . . . .	7 10s. 0d.	0 0 0	232 16s. 0d.	Two hundred forty pounds and six shillings, . . . . .	240 6s. 0d.

\* Deduct £17 10s. 1d. and add to Tisbury's proportion to rectify a mistake [and there remains:].

† To which is to be added £17 10s. 1d. which is deducted a Chilmark's proportion to rectify the mistake abovementioned.

	REPRESENTATIVES' T'AX. £236 6s. 4d.	FINES. £13 6s. 8d.	PROVINCE TAX. £6,099 0s. 0d.	SUM TOTAL. £6,348 13s. 0d.
Suffolk, . . . . .	322 13 4	0 0 0	4,863 16 0	5,186 9 4
Essex, . . . . .	324 4 4	33 6 8	3,569 0 0	3,916 11 0
Middlesex, . . . . .	97 19 8	33 6 8	1,359 2 0	1,490 8 4
Hampshire, . . . . .	136 2 0	33 6 8	1,279 2 0	1,448 10 8
Worcester, . . . . .	159 13 4	3 6 8	1,840 6 0	2,003 6 0
Plymouth, . . . . .	177 11 8	20 0 0	2,136 16 0	2,334 7 8
Bristol, . . . . .	91 10 0	0 0 0	1,157 10 0	1,249 0 0
Barnstable, . . . . .	121 6 8	0 0 0	1,190 12 0	1,311 18 8
York, . . . . .	0 0 0	0 0 0	282 0 0	282 0 0
Dukes County, . . . . .	7 10 0	0 0 0	232 16 0	240 6 0
Nantucket, . . . . .				
	£1,674 17s. 4d.	£136 13s. 4d.	£24,000 0s. 0d.	£25,811 10s. 8d.
	Six thousand three hundred forty-eight pounds and thirteen shillings, Five thousand one hundred eighty-six pounds nine shillings and four- pence, . . . . . Three thousand nine hundred sixteen pounds and eleven shillings, . One thousand four hundred ninety pounds eight shillings and four- pence, . . . . . One thousand four hundred forty-eight pounds ten shillings and eight- pence, . . . . . Two thousand and three pounds six shillings, . . . . . Two thousand three hundred thirty-four pounds seven shillings and eightpence, . . . . . One thousand two hundred and forty-nine pounds, . . . . . One thousand three hundred eleven pounds eighteen shillings and eightpence, . . . . . Two hundred and eighty-two pounds, . . . . . Two hundred forty pounds and six shillings, . . . . . Twenty-five thousand eight hundred eleven pounds ten shillings and eightpence, . . . . .			

*And be it further enacted by the authority aforesaid,*

[SECT. 2.] That the treasurer do forthwith send out his warrants, directed to the selectmen or assessors of each town or district within this province, requiring them, respectively, to assess the sum hereby set upon such town or district, in manner following; that is to say, to assess all rateable male polls above the age of sixteen years, at six shillings per poll, and proportionably in assessing the fines mentioned in this act, and the additional sum received out of the treasury for the payment of the representatives (except the governour, lieutenant-governour and their families, the president, fellows and students of Harvard College, settled ministers and grammar-school masters, who are hereby exempted as well from being taxed for their polls, as for their estates being in their own hands and under their actual management and improvement); and other persons, if such there be, who, through age, infirmity or extreme poverty, in the judgment of the assessors, are not capable to pay towards publick charges, they may exempt their polls, and so much of their estates as in their prudence they shall think fit and judge meet.

[SECT. 3.] And the justices in the general sessions, in the respective counties assembled, in granting a county tax or assessment, are hereby ordered and directed to apportion the same on the several towns in such county in proportion to their province rate, exclusive of what has been paid out of the publick treasury to the representative of such town for his service, and the fines set on the sundry towns as aforesaid; and the assessors of each town in the province are also directed, in making any assessment, to govern themselves by the same rule; and all estates, both real and personal, lying within the limits of such town or district, or next unto the same, not paying elsewhere, in whose hands, tenure, occupation or possession soever the same is or shall be found, and also the income or profits which any person or persons (except as before excepted) do or shall receive from any trade, faculty, business or employment whatsoever; and all profits that shall or may arise by moiety or other estate not particularly otherwise assessed, or commissions of profit in their improvement, according to their understanding and cunning, at one penny on the pound; and to abate or multiply the same, if need be, so as to make up the sum hereby set and ordered for such town or district to pay; and, in making their assessments, to estimate houses and lands at six years' income of the yearly rents, in bills of the new tenour, whereat the same may be reasonably set or let for in the place where they lye: *saving* all contracts between landlord and tenant, and where no contract is, the landlord to reimburse one-half of the tax set upon such houses and lands; and to estimate Indian, negro and molatto servants proportionably as other personal estate, according to their sound judgment and discretion; as also to estimate every ox of four years old and upwards, at forty shillings in bills of the new tenor; every cow of three years old and upwards, at thirty shillings; every horse and mare of three years old and upwards, at forty shillings; every swine of one year old and upwards, at eight shillings; every goat and sheep of one year old and upwards, at three shillings: likewise requiring the assessors to make a fair list of the said assessment, setting forth, in distinct columns, against each particular person's name, how much he or she is assessed at for polls, and how much for houses and lands, and how much for personal estate and income by trade or faculty; and the list or lists so perfected and signed by them, or the major part of them, to commit to the collectors, constable or constables of such town or district, and to return a certificate of the name or names of such collectors, constable or constables, together

with the sum total to each of them committed, unto himself, some time before the last day of October next.

[SECT. 4.] And the treasurer for the time being, upon the receipt of such certificate, is hereby impowered and ordered to issue forth his warrant to the collector, constable or constables of such town or district, requiring him or them, respectively, to collect the whole of each respective sum assessed on each particular person, before the last day of March next; and of the inhabitants of the town of Boston, to collect their proportion some time in the month of January next; and to pay in their collection, and issue the accompts of the whole, at or before the last day of March next, which will be in the year of our Lord one thousand seven hundred and forty-one.

*And be it further enacted by the authority aforesaid,*

[SECT. 5.] That the assessors of each town and district, respectively, in convenient time before their making the assessment, shall give seasonable warning to the inhabitants, in a town meeting, or by posting up notifications in some place or places in such town or district, or otherwise notify the inhabitants to give or bring in to the assessors true and perfect lists of their polls, rateable estates, and income by trade or faculty. And if any person or persons shall neglect or refuse so to do, or bring in a false list, it shall be lawful to and for the assessors to assess such person or persons, according to their known ability in such town, in their sound judgment and discretion, their due proportion to this tax, as near as they can, agreeable to the rules herein given, under the penalty of twenty shillings for each person that shall be convicted by legal proof, in the judgment of the said assessors, of bringing in a false list; the said fines to be for the use of the poor of such town or district where the delinquent lives, to be levied by warrant from the assessors, directed to the collector or constables, in manner as is directed for gathering town assessments, and to be paid in to the town treasurer or selectmen for the use aforesaid: *saving* to the party aggrieved at the judgment of the assessors in setting forth such fine, liberty of appeal therefrom to the court of general sessions of the peace within the county, for relief, as in case of being overrated. And if any person or persons shall not bring in a list of their estate as aforesaid, to the assessors, he or they so neglecting shall not be admitted to make application to the court of sessions for any abatement of the assessment laid on him.

[SECT. 6.] And if the party be not convicted of any falseness in the list, by him presented, of polls, rateable estate, or income by any trade or faculty, business or employment, which he doth or shall exercise, or in gain by money at interest or otherwise, or other estate not particularly assessed, such list shall be a rule for such person's proportion to the tax, which the assessors may not exceed.

*And forasmuch* as oftentimes sundry persons, not belonging to this province, bring considerable trade and merchandize, and by reason that the tax or rate of the town where they come to trade or traffick is finished and delivered to the constable or collectors, and, before the next year's assessment, are gone out of the province, and so pay nothing towards the support of the government, tho' in the time of their residing here they reaped considerable gain by trade, and had the protection of the government,—

*Be it further enacted by the authority aforesaid,*

[SECT. 7.] That when any such person or persons shall come and reside in any town of this province, and bring any merchandize, and trade and deal therewith, the assessors of such town are hereby impowered to rate and assess all such persons according to their circumstan-



ees, pursuant to the rules and directions in this act provided, tho' the former rate may have been finished, and the new one not perfected, as aforesaid.

*And be it further enacted by the authority aforesaid,*

[SECT. 8.] That the inhabitants of this province shall have liberty, if they see fit, to pay the several sums for which they may be respectively assessed at, as their proportion of the aforesaid sum of twenty-four thousand pounds, in bills of credit of the new tenor, already extant, according to their several denominations, or in bills of the old tenor, already extant, accounting three for one, or in coined silver at six shillings and eightpence per ounce, Troy weight, or in gold coin at the rate of four pounds eighteen shillings per ounce, or in good and merchantable hemp or flax of the growth of this province, the person paying his rate therewith to run the risque and pay the charge of transporting such hemp and flax to the province treasury, such hemp to be receiv'd by the treasurer at fourpence per pound, and flax at sixpence per pound; which hemp and flax, as soon as conveniently may, shall be disposed of by the treasurer to the best advantage, for so much as it will fetch, in bills of credit of the old or new tenor already extant, or for silver and gold.

[SECT. 9.] And if any loss shall happen by the sale of the aforesaid species, or by any unforeseen accident, such deficiency shall be made good by a tax of the next year, so as fully and effectually to call in the said sum of twenty-four thousand pounds; and if there be a surplusage, it shall remain a stock in the treasury. And the constable or collectors are hereby enjoined to levy and collect all such sums committed to them, and to pay the same into the town treasury. [*Passed July 9; published July 16.*]

# ACTS

PASSED AT THE SESSION BEGUN AND HELD AT BOSTON,  
ON THE TWENTIETH DAY OF AUGUST, A.D. 1740.

## CHAPTER 9.

AN ACT TO ESTABLISH THE SEVERAL HIGHWAYS IN LITTLE COMPTON,  
IN THE COUNTY OF BRISTOL.

### Preamble.

WHEREAS the proprietors of the lands in said Little Compton, did, in their divisions thereof, take special and early care to lay out or provide ways, and left land for ways in, and surrendered the same to, said town, whereby the said proprietors might pass and re-pass to and from their several allotments, for the use of its inhabitants and others ; and, although the said town and inhabitants have used and improved most of said ways as open ways, more than forty years, last past, in several parts of the town, yet, as they omitted or neglected to cause the said ways to be laid out by the selectmen, the said town has, by that means, been led into divers difficulties and controversies, and divers encroachments have been made on them by private persons ; for remedy whereof,—

*Be it enacted by His Excellency the Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

Highways in  
Little Compton  
established.

[SECT. 1.] That all the ways or roads which appear by record to be laid out, or land left for ways by the proprietors of Little Compton, which have not been disposed of by them, be and hereby are ratified, established and confirmed, to be and remain open ways for the use of said town, as fully and amply, to all intents and purposes, as if the said ways had been heretofore established or laid out as is by law otherwise provided.

Method for  
altering the  
ways.

*And be it further enacted by the authority aforesaid,*

[SECT. 2.] That when and so often as it shall happen that there shall be any occasion for the altering or exchanging of any of said ways, or that where there is, or hereafter shall be, any incumbrance or encroachment made on any of the said ways or roads, in such cases the methods for proceeding thereon shall be such as are by law already provided in case of exchanging of ways, and of removing of incumbrances on ways or town roads. [*Passed and published September 6.*]

## CHAPTER 10.

## AN ACT FOR ENCOURAGING THE EXPEDITION AGAINST THE SPANISH SETTLEMENTS IN THE WEST INDIES.

WHEREAS, his majesty, in his great concern for the injuries his good subjects have already received, especially in the West Indies, from the Spaniards, and for securing his subjects, in their navigation and commerce, from such abusive treatment for the future, has been pleased to engage in an expedition against some of the King of Spain's settlements in the aforesaid West Indies, and has directed the enlistment of such of his good subjects, in this province, as would voluntarily enter into his majesty's service in that undertaking; *and whereas*, a considerable number of forces have enlisted, and divers of the soldiers, since their enlistment, have been arrested for small debts, already, and there may be danger that many more may hereafter be arrested, either for real debts, tho' small, or by fraudulent and unjust suits; for remedy and prevention whereof,—

Preamble.

*Be it enacted by His Excellency the Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

[SECT. 1.] That no person whatsoever, who hath entred or shall enter in the aforesaid expedition as a volunteer in his majesty's service, shall be liable to be taken out of his majesty's service aforesaid, by any process or execution (unless for some criminal matter) for any sum under the value of thirty pounds in bills of credit of this province, of the old tenor, nor for any greater sum, until oath shall be made by the plaintiff or plaintiffs, before one or more judge or judges of the court out of which the execution or process shall issue, or before two justices of the peace, *quorum unus*, in the county where the plaintiff may happen to be, that to his or their knowledge, there is, *bona fide*, due from such person as the process or execution is desired to issue against, thirty pounds, of the currency aforesaid, at the least.

Provision for hindering the soldiers in the expedition from being taken out of the service by arrests, &c.

[SECT. 2.] And all soldiers, whose bodies have been arrested and taken, since their enlistment in the service aforesaid, on mean process, or who shall hereafter be arrested, and taken on mean process or execution, belonging to said service, for any sum less than thirty pounds, as aforesaid, shall and may be set at liberty, by two justices of the peace, *quorum unus*, in the county where the person or persons are taken, upon application made by the party taken, or any his superiour officer, proof being made of such person or persons' enlistment in the service aforesaid.

*Provided, always,*

[SECT. 3.] That this act shall not extend, or be so understood, as finally to discharge any soldier enlisted, as aforesaid, of or from his just debt or debts; but that from and after such soldier's being dismiss'd from his majesty's service, in the present expedition, he shall be liable to be prosecuted in the law, by his creditor or creditors, for any just debt or debts which he had contracted before his entering upon the service aforesaid. [Passed and published September 6, 1740.]

# ACTS

PASSED AT THE SESSION BEGUN AND HELD AT BOSTON,  
ON THE NINETEENTH\* DAY OF NOVEMBER, A.D. 1740.

## CHAPTER 11.

AN ACT FOR THE MORE EFFECTUAL REGULATING THE PRIVATE TRADE  
WITH THE EASTERN AND WESTERN INDIANS, AND THE PREVENTING  
ABUSES THEREIN.

Preamble.

1737-38, chap. 7,  
§ 5.

WHEREAS in and by an act, entitled “An Act for allowing necessary supplies to the eastern and western Indians, and for regulating trade with them,” it is provided, that “no person or persons whatsoever, other than the truck-masters,” “shall or may presume by themselves, or any [other] for them, directly or indirectly, to sell, give, truck, barter or exchange, to any” Indian, “any strong beer, ale, c[*i*][*y*]der, perry, wine, rum, brandy or any other strong liquors, by what name or names soever called or known, on penalty of forfeiting the sum of fifty pounds,” or six months imprisonment for each offence;† yet, notwithstanding, there are many persons, who do, contrary to said act, let the Indians have strong liquors, and thereby debauch them; *and inasmuch*, as it is very hard and difficult to detect and convict such as do presume to offend against said act, in the ordinary course and method of the law, by reason such offences are generally committed so secretly, and in such a way as positive evidence can scarcely ever be had; which makes it necessary that some further provision should be made for the better discovery of such ill-disposed persons,—

*Be it enacted by His Excellency the Governor, Council and Representatives in General Court assembled, and by the authority of the same,*

The proof of  
selling strong  
drink to the  
Indians, upon  
their complaint.

[SECT. 1.] That the accusation and affirmation of any Indian or Indians (the accuser and accused being brought face to face at the time of trial), shall be accounted and held to be a legal conviction of the person accused of giving, selling or delivering wine, rum, or any other strong drink or liquors to such Indian or Indians, unless the person accused shall acquit himself upon oath; which the court, in all such cases, are hereby impowered to administer, in the form following; vizt.,—

Oath to be  
taken for ac-  
quittance.

You, A. B., do swear that neither yourself, nor any other by your order, general or particular, assent, privy, knowledge or allowance, directly or indirectly, did give, sell or deliver, any wine, c[*i*][*y*]der, rum or other strong liquors or drink, by what name or names soever called or known, unto the Indian by whom, and whereof, you are now accused.

\* According to the printed acts, but 21st, according to the record.

† This alternative penalty does not appear in the act referred to.

*And be it further enacted by the authority aforesaid,*

[SECT. 2.] That upon the complaint or information of any other person, for the breach of the fore-recited law, there being such circumstances as render it highly probable, in the judgment of the court before whom the trial is, that the person complain'd of is guilty of the breach of the said act, then and in every such case, unless the defendant shall acquit himself upon oath, as aforesaid, to be administred to him by the court before whom the tri[t]y[al] shall be, the same shall be accounted a legal conviction of the defendant's giving, selling or delivering of wine or other strong liquors, of which he shall be accused, and he shall pay and suffer the penalty already by said law provided; but in case the defendant shall acquit himself, upon oath to be administred to him as aforesaid, that then he shall recover against the complainant double his costs occasioned by such prosecution.

Proof of selling strong drink to the Indians, upon other persons' complaint.

*And be it further enacted by the authority aforesaid,*

[SECT. 3.] That upon the accusation of any Indian, or complaint of any other person, to any of his majesty's justices of the peace within this province, against any person, for selling, giving or delivering any wine, rum or other strong liquors to any Indian, contrary to the true intent and meaning of the before-recited act, the justice may tender to the person accused or complained of, the aforesaid oath (unless there be such other circumstances, concurring, as render it highly probable, in the opinion of the justice, that the person accused is guilty), which, if he refuse to take, he shall bind him in a bond of recognizance, not exceeding one hundred pounds, with sureties, to answer the same at the court of general sessions of the peace next to be held in the county where the offence is committed; but if the person accused shall acquit himself upon oath, as aforesaid, the justice shall dismiss the person accused, and allow him double his costs, against the complainant, occasioned by such prosecution.

Persons accused, to be bound over to the court.

*And be it further enacted by the authority aforesaid,*

[SECT. 4.] That if any person or persons shall hereafter be convicted of false swearing, in any case in this act mentioned, he and they shall be liable to the same pains and penalties as is already by law provided against wilful[1] perjury.

Penalty for false swearing.

*And be it further enacted by the authority aforesaid,*

[SECT. 5.] That no person or persons whatsoever, other than the truck-masters, and they only as such, shall or may presume, by themselves, or any other for them, directly or indirectly, to sell, truck, barter or exchange to any Indian or Indians, any wares, merchandize[s] or other provisions, within six miles of any of the truck-houses within this province, on penalty of forfeiting the sum of fifty pounds, or six months' imprisonment for each offence: the one moiety of all fines and forfeitures arising by virtue of this act, to be laid out in procuring supplies for the carrying on the trade with the Indians; the other moiety to him or them that shall inform and sue for the same in any of his majesty's courts of record.

No person to sell any goods to the Indians within six miles of a truck-house.

Penalty.

[SECT. 6.] This act to continue and be in force until[1] the end of this court in May, one thousand seven hundred and forty-two, and no longer. [Passed and published December 31.

Limitation.



## CHAPTER 12.

AN ACT TO APPROPRIATE THE SUM OF SIXTEEN THOUSAND AND SEVENTY-THREE POUNDS FOUR SHILLINGS AND FIVEPENCE, THE SURPLUS OF SEVERAL APPROPRIATIONS NOW LYING IN THE HANDS OF THE TREASURER.

Preamble.

WHEREAS there is a supply of five hundred and five pounds three shillings and fivepence, bills of credit of the new tenor, [and] also of fourteen thousand five hundred and fifty-seven pounds fourteen shillings and twopence, in bills of the old tenor, now remaining in the hands of the treasurer, being the ballance or remains of sundry appropriations formerly made, at sundry times, by this court, and then reserved for their further order,—

*Be it enacted by His Excellency the Governor, Council and Representatives in General Court assembled, and by the authority of the same,*

£16,073 4s. and  
5d. in the treas-  
ury to be issued.

[SECT. 1.] That the treasurer be and hereby is impowered and ordered to issue forth the sum of sixteen thousand and seventy-three pounds four shillings and fivepence, in bills of the old tenor, as being equal in value to the above-mentioned sums; which shall be employed for the necessary support and defence of the governm<sup>en</sup>t, and for the protection and preservation of the inhabitants thereof; vizt.,—

Appropriations.

£3,000 for the  
garrisons.

[SECT. 2.] Three thousand pounds, part of the aforesaid sum of sixteen thousand and seventy-three pounds four shillings and fivepence, to be appl<sup>ie</sup>[y]d to pay the wages that now are due by virtue of the establishment of the several forts and garrisons.

£1,144 10s. 5d.  
for payment of  
the council,  
and grants of  
court, &c.

[SECT. 3.] And eleven hundred and forty-four pounds nineteen shillings and fivepence more, part of the aforesaid sum of sixteen thousand and seventy-three pounds four shillings and fivepence, shall be appl<sup>ie</sup>[y]ed for the payment of the members of his majesty's council, for their travel to and from, and attendance at, the general court, the present session, in the same manner as they were last paid; and also for payment of such grants as are or shall be made by this court; and for payment of stipends, bounties and premiums established by law; and for all other matters and things which this court have, or shall, either by law or order, provide for the paym<sup>en</sup>t of, and for no other purpose whatsoever.

£7,200 for put-  
ting the prov-  
ince in a defen-  
sive posture.

[SECT. 4.] And the sum of seven thousand two hundred pounds, part of the aforesaid sum of sixteen thousand and seventy-three pounds four shillings and fivepence, shall be applied for putting the province into a posture of defence, pursuant to such grants as have or hereafter may be made for that purpose.

£1,677 for the  
remaining  
charge of the  
transports.

[SECT. 5.] And the sum of one thousand six hundred and seventy-seven pounds, part of the aforesaid sum of sixteen thousand and seventy-three pounds four shillings and fivepence, shall be appl<sup>ie</sup>[y]ed to defray the remaining charge the committee of this court have been at in fitting out the transports from hence on his majesty's expedition to the West Indies.

Costs for the  
confinement of  
convicts, &c.  
miscellaneous  
disbursements.

[SECT. 6.] And the sum of six hundred pounds, part of the aforesaid sum of sixteen thousand and seventy-three pounds four shillings and fivepence, shall be applied for the discharge of other debts, owing from this province to persons who have served or shall serve them by order of this court, in such matters and things where there is no establishment, nor any certain sum assigned for such services, and for paper, printing and writing for this court, expences of committees of council or of the house, or of both houses, the surgeon of Castle William, and wooding said castle.

[SECT. 7.] And the sum of two hundred pounds, part of the aforesaid sum of sixteen thousand and seventy-three pounds four shillings and fivepence, shall be appl[i]c[y]ed for the payment of expresses and such other contingent, unforeseen charges as may arise.

£200 for expresses and contingent charges.

[SECT. 8.] And the sum of two thousand two hundred and fifty-one pounds five shillings, the remaining part of the aforesaid sum of sixteen thousand and seventy-three pounds four shillings and fivepence, shall be appl[i]c[y]d for the paym[en]t of the members of the house of representatives for their travel to and from and attendance at the general court, the present session, in the same manner they were last paid; and such sum or sums which shall be paid to the several represent[at]ives as aforesaid, shall be levied and assessed on the pol[it]ic[es] and estates of the inhabitants of the several towns, according to what their respective representatives shall so receive; which sums shall be set on the said towns in the next province tax. [*Passed January 9; published January 13, 1740—41.*]

£2,251 5s. for payment of the representatives.

## CHAPTER 13.

AN ACT FOR ALTERING THE TIMES FOR HOLDING THE SUPERIOR COURTS OF JUDICATURE, COURTS OF ASSIZE AND GENERAL GOAL DELIVERY, WITHIN THE COUNTYS OF PLIMOUTH AND BARNSTABLE, AND THE INFERIOR COURT OF COMMON PLEAS HELD AT BOSTON, WITHIN AND FOR THE COUNTY OF SUFFOLK.

WHEREAS the time appointed by law for holding the superior court at Plymouth, within and for the county of Plymouth (being the week before the superior court at Barnstable), is found to be inconvenient, and the altering thereof cannot conveniently be done without altering the times for holding the said superior court at Barnstable, and the inferior court of common pleas held at Boston, within and for the county of Suffolk, on the first Tuesday of April, annually.—

Preamble.

*Be it therefore enacted by His Excellency the Governor, Council and Representatives in General Court assembled, and by the authority of the same,*

[SECT. 1.] That the superior court of judicature, court of assize and general goal delivery, appointed to be held at Plymouth, within and for the county of Plymouth, on the Tuesday immediately preceeding the last Tuesday of April, annually, shall be henceforth holden and kept at Plymouth aforesaid, for the said county of Plymouth, on the second Tuesday of April, annually; and that the said superior court of judicature, court of assize and general goal delivery, appointed to be held at Barnstable, for the counties of Barnstable and Dukes County, on the last Tuesday of April, yearly, shall be henceforth held and kept at Barnstable aforesaid, for the counties of Barnstable and Dukes County, on the fourth Tuesday of April, annually; and the inferior court of common pleas, held at Boston, within and for the county of Suffolk, on the first Tuesday of April, annually, shall be henceforth holden and kept at Boston aforesaid, within and for the county of Suffolk, on the third Tuesday of March, yearly.

Superior court at Plymouth to be held the second Tuesday of April.

1733-34, chap. 9, § 1.

Superior court at Barnstable to be held the fourth Tuesday of April.

1733-34, chap. 9, § 1.

Inferior court at Boston to be held the third Tuesday of March.

1699-1700, chap. 2, § 2.

*And be it further enacted by the authority aforesaid,*

[SECT. 2.] That all actions, appeals, reviews, recognizances, warrants or other processes already issued, taken, filed or to be filed, continued, or any ways depending, &c., which are to be heard and tried in the respective courts aforesaid, shall not fail or be discontinued, but be valid and stand good to all intents and purposes in the law, and be

All actions, &c., depending, to stand good.

heard, tryed and determined at the respective times and days set and appointed by this act; and all officers and other persons concerned are required to conform themselves accordingly. [*Passed January 9; published January 13, 1740-41.*]

## CHAPTER 14.

AN ACT TO PREVENT STRIP AND WASTE ON LANDS WHILE SUITS ARE DEPENDING IN THE LAW FOR THE SAME.

### Preamble.

WHEREAS it often happens that persons are in possession of lands to which they have no title, and the owners or proprietors thereof are obliged to bring their writ[t] of ejectment, to recover their title and possession of such land, and the tenants in possession, or some others under them, after such writ[t]s are brought, and before final judgment and possession is had, make great strip and waste, to the great prejudice of the legal owners and proprietors, &c.; for prevention whereof for the future,—

*Be it enacted by His Excellency the Governor, Council and Representatives in General Court assembled, and by the authority of the same,*

No trees or poles to be cut down on any lands in suit.

That, from and after the publication of this act, if any person or persons shall bring forward and prosecute any writ[t] of ejectment, for the recovery of the possession of any lands and real estate which shall be unjustly withheld from him or them by any person, and such person in possession, or any other persons whatsoever, during the time such writs or suits are depending in the law, shall presume to make strip or waste, by cutting, felling or destroying the wood, timber, trees or poles standing or growing on such land sued for, shall, for every such offence, forfeit and pay to the party aggr[e]i[e]ved twenty shillings, for every tree of one foot diameter, over and above the true value thereof; and for every tree or pole under that dimension, cut, felled or destroyed as aforesaid, twenty shillings; to be recovered by action, bill, plaint or information, in any court of record proper to try the same, after the plaintiff or demandant has recovered his title and possession of such estate sued for. [*Passed January 9; published January 13, 1740-41.*]

### Penalty.

## CHAPTER 15.

AN ACT TO PREVENT DAMAGE BEING DONE TO THE HARBOUR OF CAPE COD BY CATTLE AND HORSE-KIND FEEDING ON PROVINCE-TOWN LAND.

Preamble.  
See 1738-39,  
chap. 16.

WHEREAS many persons, not inhabitants in Provincetown, frequently drive down great numbers of neat cattle and horse-kind to feed thereon, whereby the beaches there are much broken and dammified, which occasions the sands blowing into Cape Cod Harbour, to the great damage thereof,—

*Be it therefore enacted by His Excellency the Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

Persons not inhabiting Prov.  
insectown prohibited the

[SECT. 1.] That, from and after the publication of this act, no person or persons, not being inhabitants of Provincetown, shall presume to turn or drive any neat cattle or horse-kind to or upon the lands of

Provincetown, so called, to feed thereon, upon the penalty of forty shillings a head for all neat cattle and for every horse or mare that shall be turned or found feeding on Provincetown land; which penalty shall be recovered by the selectmen or constable of the said town, or any other person who shall inform and sue for the same; the one half of the said forfeiture to be to him or them who shall inform and sue for the same, and the other half to be to and for the use of the poor of the said town.

putting cattle and horses on the said land. Penalty.

*And be it further enacted by the authority aforesaid,*

[SECT. 2.] That, if any neat cattle or horse-kind shall, at any time hereafter, be found feeding on the land or beach of the said township of Provincetown, other than such as are owned by the inhabitants of the said town, that it shall and may be lawful[1] for any person to impound the same, and to give publick notice thereof in the said town and the two next adjoining towns, and the impounder shall rel[e]i[e]ve said creatures, while impounded, with suitable meat and water; and, if the owner thereof appear, he shall pay ten shillings damage to the impounder for each head of neat cattle or horse-kind so impounded, and costs of impounding and providing for the same; and if no owner appear within the space of six days, to redeem the said cattle or horse-kind so impounded and to pay the damage and costs occasioned by impounding the same, then and in every such case the person or persons impounding such cattle or horse-kind shall cause the same to be sold at publick vendue, for payment to the town of the damage sustained by reason of such cattle or horse-kind feeding upon the land of the said township, as also to pay the costs and charges arising about the same to the impounder (publick notice of the time and place of such sale to be given in the said town of Provincetown, and in the town of Truro, forty-eight hours beforehand); and the overplus, if any there be, arising by such sale, to be returned to the owner of such cattle or horse-kind, at any time within twelve months next after, upon his demanding the same; but if no owner appear within the said twelve months, then the said overplus shall be one half to the party impounding, and the other half to the use of the poor of the said town of Provincetown.

Cattle and horses driven on Provincetown land, to be impounded.

[SECT. 3.] This act to continue and be in force for the space of five years from the publication thereof, and from thence to the end of the next session of the general court, and no longer. [*Passed January 9; published January 13, 1740-41.*]

Limitation.

## CHAPTER 16.

AN ACT FOR ERECTING THE NORTHERLY PART OF THE TOWN OF WORCESTER, IN THE COUNTY OF WORCESTER, INTO A DISTINCT AND SEPARATE TOWNSHIP, BY THE NAME OF HOLDEN.

WHEREAS the inhabitants of the northerly part of the town of Worcester, commonly called North Worcester, by reason of the great difficulties they labour under, have addressed this court to be set off a separate and distinct township, whereto the inhabitants of s[ai]d town have manifested their consent,—

Preamble

*Be it enacted by His Excellency the Governor, Council and Representatives in General Court assembled, and by the authority of the same,*

[SECT. 1.] That the northerly part of the town of Worcester, within the following bounds; vizt., bounding, south-easterly, on the lines divid-

Bounds of a new township named Holden.

ing the north and south proprietries in said town, and is known by the name of the dividing-line; westerly, partly on the town of Leicester, and partly on the town of Rutland; north-westerly, on [the] said town of Rutland, and easterly, on the town of Shrewsbury, be and hereby is set off from the town of Worcester, and erected into a separate and distinct township, by the name of Holden.

[SECT. 2.] And that the inhabitants thereof be and hereby are vested with all the powers, priviledges and immunities which the inhabitants of other towns within this province do or by law ought to enjoy.

*Provided, nevertheless,*

Proviso.

[SECT. 3.] That the said new town shall pay their proportionable part of all such province and county taxes as are already assessed upon the town of Worcester, in like manner as tho' this act had never been made. [*Passed January 9; published January 13, 1740–41.*]

## CHAPTER 17.

### AN ACT FOR GRANTING UNTO HIS MAJESTY SEVERAL RATES AND DUTYS OF IMPOST AND TUNNAGE OF SHIPING.

WE, his majesty's most loyal and dutifull subjects, the representatives of his majesty's province of the Massachusetts Bay in New England, being desirous of a collateral fund and security in silver and gold for exchanging the bills of credit on this province, have chearfully and unanimously given and granted, and do hereby give and grant, unto his most excellent majesty, to the ends, uses and intents aforesaid, and for no other use, the several dutys of impost upon wines, liquors, goods, wares and merchandize that shall be imported into this province, and tunage of shiping, hereafter mentioned, and pray that it may be enacted,—

*And be it accordingly enacted by His Excellency the Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

[SECT. 1.] That, from and after the thirtieth day of December, instant, there shall be paid by the importer of all wines, liquors, goods, wares and merchandize that shall be imported into this province from the place of their growth (salt, cotten-wool, provisions and every other thing of the growth and produce of New England excepted), the several rates or dutys of impost following; viz<sup>t</sup>,—

For every pipe of wine of the Western Islands, ten shillings and sixpence.

For every pipe of Canary, sixteen shillings.

For every pipe of Madera, twelve shillings and eightpence.

For every pipe of other sorts, not mentioned, twelve shillings and eightpence.

For every hogshead of rum containing one hundred gallons, ten shillings and sixpence.

For every hogshead of sugar, ninepence.

For every hogshead of molasses, sixpence.

For every hogshead of tobacco, twelve shillings and eightpence.

For every tun of logwood, one shilling.

—And so, proportionably, for greater or lesser quantities.

And all other commodities, goods or merchandize not mentioned or excepted, fourpence for every twenty shillings' value: all goods imported from Great Britain excepted.



*And whereas* many strangers and foreigners, of late years, have reaped great gain and profit by bringing into this province considerable quantities of foreign molasses, and rum, on their own accounts, whereby much of the trade that was formerly carried on with considerable profit by the inhabitants of this province, altho' with the paying very high charges for permission, &c., in their islands, is, in a great measure, if not wholly, prevented; wherefore, in order to the subjecting such foreigners' goods to a higher duty,—

*Be it enacted by the authority aforesaid,*

[SECT. 2.] That all such molasses and rum that belong to foreigners shall pay the following duties; vizt.,—

For every hogshead of molasses, two shillings.

For every hogshead of rum, fifty shillings.

And, for the preventing the colouring of such foreigners' goods under the names of any merchants or others inhabiting this province,—

*Be it enacted by the authority aforesaid,*

[SECT. 3.] That, when any quantities of such goods are imported into this province, that may reasonably be supposed to come from any of the said foreign plantations, and are said to be consigned to some of the inhabitants of this province, or British subjects, such person to whom the same is consigned shall make oath, before the commissioner of impost, in the following words; vizt.,—

You, A. B., do swear that the goods imported in the ship or vessel ( ), and consigned you, did actually and truly come upon the sole proper account and risque, and are, *bonâ fide*, the goods and estate of yourself, or some other of his majesty's British subjects; and that no foreigner, directly or indirectly, is any way interested or concerned in the same, or are ever to have any share or part in the same, that you know of; nor is this consignment made to you under any colour or pretext to prevent the paying the duties of the same.

[SECT. 4.] And, for any of the above wines, liquors, goods, wares, merchandize, &c., that shall be imported into this province, &c., from any other port than the places of their growth and produce, there shall be paid, by the importer, double the value of impost appointed by this act to be received for every specie abovementioned, unless they do, *bonâ fide*, belong to the inhabitants of this province, and came upon their risque from the port of their growth and produce.

*And be it further enacted by the authority aforesaid,*

[SECT. 5.] That all the aforesaid impost-rates and duties shall be paid in current money, or in bills of credit of this province, by the importer of any wines, liquors, goods or merchandize, unto the commissioner to be appointed, as is hereinafter to be directed, for entering and receiving the same, at or before the landing of any wines, liquors, goods or merchandize: *only* the commissioner or receiver is hereby allowed to give credit to such person or persons where his or their duty of impost, in one ship or vessel, doth exceed the sum of ten pounds; and in case where the commissioner or receiver shall give credit, he shall settle and ballance his accounts with every person, so that the same accounts may be ready to be presented to this court in May next. And all entries, where the impost or duty to be paid doth not exceed four shillings, shall be made without charge to the importer; and not more than sixpence to be paid for any other single entry, to what value soever.

*And be it further enacted by the authority aforesaid,*

[SECT. 6.] That all masters of ships or other vessels, coming into any harbour or port within this province, from beyond sea, or from any other province or colony, before bulk be broken, and within twenty-four hours after his arrival at such harbour or port, shall make a report, to the commissioner or receiver of the impost to be appointed as is herein-

after mentioned, of the contents of the lading of such ship or vessel, without any charge or fee to be demanded or paid for the same; which report said master shall give in to the commissioner or receiver, under his hand, and shall therein set down and express the quantities and specie of the wines, liquors, goods and merchandize laden on board such ship or vessel, with the marks and numbers thereof, and to whom the same is consigned; and also make oath that the said report or manifest of the contents of his lading, so to be by him given in under his hand, as aforesaid, contains a just and true account, to the best of his knowledge, of the whole lading taken on board and imported in the said vessel from the port or ports such vessel came from, and that he hath not broken bulk, nor delivered any of the wines, rum or other distilled liquors or merchandize laden on board such ship or vessel, directly or indirectly; and if he shall know of any more wines, liquors, goods or merchandize to be imported therein, before the landing thereof he will cause it to be added to his manifest; which manifest shall be agreeable to a printed form made for that purpose, which is to be filled up by the said commissioner or receiver, according to each particular person's entry; which oath the commissioner or receiver is hereby impowered to administer: after which such master may unload, and not before, on pain of five hundred pounds to be forfeited and paid by each master that shall neglect his duty on this behalf.

*And be it further enacted by the authority aforesaid,*

[SECT. 7.] That all merchants, factors and other persons, importers, being owners of or having any of the wines, liquors, goods or merchandize consigned to them, that by this act are liable to pay impost or duty, shall, by themselves or order, make entry thereof in writing, under their hands, with the said commissioner or receiver, and produce unto him the original invoice of all such goods as pay *ad valorem*, and make oath thereto in manner following:—

You, A. B., do swear that the entry of the goods and merchandize by you now made, contains the true value, agreeable to the original invoice herewith exhibited; and that, according to your best skill and judgment, it is not less than the real cost thereof. So help you God.

—which above oath the commissioner or receiver is hereby impowered to administer; and they shall pay the duty and impost by this act required, before such wines, liquors, goods, wares or merchandize be landed, or taken out of the vessel in which the same shall be imported, on pain of forfeiting all such wines, liquors, goods, wares or merchandize so landed and taken out of the vessel in which the same shall be imported.

[SECT. 8.] And no wines, liquors, goods, wares or merchandize that by this act are liable to pay impost or duty, shall be landed on any wharf, or into any warehouse or other place, but in the daytime only, and that after sunrise and before sunset, unless in the presence, and with the consent, of the commissioner or receiver, on pain of forfeiting all such wines, liquors, goods, wares and merchandize, and the lighter, boat and vessel out of which the same shall be landed or put into any warehouse or other place.

[SECT. 9.] And if any person or persons shall not have and produce an invoice of the quantities of rum or liquors to him or them consigned, then the cask wherein the same is, shall be gaged at the charge of the importer, that the quantities thereof may be known.

*And be it further enacted by the authority aforesaid,*

[SECT. 10.] That every merchant or other person importing any wines into this province, shall be allowed twelve per cent for leakage:

*provided* such wines have not been filled up on board; and that every hogshead, butt or pipe of wine that hath two third parts thereof leaked out, shall be accounted for outs, and the merchant or importer to pay no duty or impost for the same. And no master of any ship or vessel shall suffer any wines to be filled up on board, without giving a certificate of the quantity so filled up, under his hand, before the landing thereof, to the commissioner or receiver of impost for such port, on pain of forfeiting the sum of one hundred pounds.

[SECT. 11.] And if it be made to appear that any wines imported in any ship or vessel be decayed at the time of unlading thereof, or in twenty days afterwards, oath being made before the commissioner or receiver that the same hath not been landed above that time, the duties and impost paid for such wines shall be repaid unto the importer thereof.

*And be it further enacted by the authority aforesaid,*

[SECT. 12.] That the master of any ship or vessel importing any wines, liquors, goods, wares or merchandize, shall be liable to and shall pay the impost for such and so much thereof, contained in his manifest, as shall not be duly entred, nor the duty paid for the same by the person or persons to whom such wines, liquors, goods, wares or merchandize are or shall be consigned. And it shall and may be lawful, to and for the master of every ship or other vessel, to secure and detain in his hands, at the owner's risque, all such wines, liquors, goods, wares or merchandize imported in any ship or vessel, until he shall receive a certificate, from the commissioner or receiver of the impost, that the duty for the same is paid, and until he be repaid his necessary charges in securing the same; or such master may deliver such wines, liquors, goods, wares or merchandize as are not entred, unto the commissioner or receiver of the impost in such port, or his order, who is hereby impowered and directed to receive and keep the same, at the owner's risque, until the impost thereof, with the charges, be paid; and then to deliver such wines, liquors, goods, wares or merchandize as such masters shall direct.

*And be it further enacted by the authority aforesaid,*

[SECT. 13.] That the commissioner or receiver of the impost in each port, shall be and hereby is impowered to sue the master of any ship or vessel, for the impost or duty for so much of the lading of any wines, liquors, goods, wares or merchandize imported therein, according to the manifest to be by him given upon oath, as aforesaid, as shall remain not entred and the duty of impost thereof not paid. And where any goods, wares or merchandize are such as that the value thereof is not known, whereby the impost to be recovered of the master, for the same, cannot be ascertained, the owner or person to whom such goods, wares or merchandize are or shall be consigned, shall be summoned to appear as an evidence at the court where suit for the impost and duty thereof shall be brought, and be there required to make oath to the value of such goods, wares or merchandize.

*And be it further enacted by the authority aforesaid,*

[SECT. 14.] That the ship or vessel, with her tackle, apparel and furniture, the master of which shall make default in anything by this act required to be performed by him, shall be liable to answer and make good the sum or sums forfeited by such master, according to this act, for any such default, as also to make good the impost or duty for any wines, liquors, goods, wares and merchandize not entred as aforesaid; and, upon judgment recovered against such master, the said ship or vessel, with so much of the tackle or appurtenances thereof as shall be sufficient to satisfy said judgment, may be taken in execution for the same: and the commissioner or receiver of the impost is hereby impowered to make seizure of such ship or vessel, and detain the

same under seizure until judgment be given in any suit to be commenced and prosecuted for any of the said forfeitures or impost; to the intent that, if judgment be rendered for the prosecutor or informer, such ship or vessel and appurtenances may be exposed to sale, for satisfaction thereof, as is before provided: *unless* the owners, or some on their behalf, for the releasing such ship or vessel from under seizure or restraint, shall give sufficient security unto the commissioner or receiver of impost that seized the same, to respond and satisfy the sum or value of the forfeiture and duties, with charges, that shall be recovered against the master thereof, upon suit to be brought for the same, as aforesaid; and the master occasioning such loss and damage unto his owners, thro' his default or neglect, shall be liable unto their action for the same.

*And be it further enacted,*

[SECT. 15.] That the naval officer within any of the ports of this province shall not clear or give passes to any master of any ship or other vessel, outward bound, until he shall be certified, by the commissioner or receiver of the impost, that the duties and impost for the goods last imported in such ship or vessel are paid or secured to be paid.

[SECT. 16.] And the commissioner or receiver of the impost is hereby empowered to allow bills of store to the master of any ship or vessel importing any wines or liquors, for such private adventures as shall belong to the master or seamen of such ship or other vessel, at the discretion of the commissioner or receiver, not exceeding three per cent of the lading; and of the duties payable by this act for such wines or liquors, in such bills of store mentioned and express'd, shall be abated.

*And whereas* many persons have heretofore caused to be imported, from the neighbouring governments, into this province, by land-carriage, large quantities of wine, rum and other merchandize, subjected to duty by this act, but have made no report thereof to the officer of impost, or any of his deputies, nor have paid any duty therefor, contrary to the true intent and meaning of this act,—

*Be it therefore further enacted by the authority aforesaid,*

[SECT. 17.] That, whosoever any rum, wine or other merchandize, by this act subjected to any duty, shall be hereafter imported from any of the neighbouring governments, by land, into any town of this province, the owner thereof, or person importing the same, shall make report thereof to the said officer, or some one of his deputies, and pay the duty hereby required therefor, on pain and penalty of forfeiting the same.

*And be it further enacted by the authority aforesaid,*

[SECT. 18.] That all penalties, fines and forfeitures accruing and arising by virtue of this act shall be one half to his majesty for the uses and intents for which the aforementioned duties of impost are granted, and the other half to him or them that shall seize, inform and sue for the same, by action, bill, plaint or information, in any of his majesty's courts of record, wherein no essoign, protection or wager of law shall be allowed; the whole charge of the prosecution to be taken out of the half belonging to the informer.

*And be it further enacted by the authority aforesaid,*

[SECT. 19.] That there shall be paid, by the master of every ship or other vessel, coming into any port or ports in this province, to trade or traffick, whereof all the owners are not belonging to this province (except such vessels as belong to Great Britain, the provinces or colonies of Pennsylvania, West and East Jersey, New York, Connecticut, New Hampshire and Rhode Island), every voyage such ship or vessel does make, the sum of four shillings and fourpence per ton, or two pounds of good new pistol-powder, for every ton such ship or vessel is in burthen: *saving* for that part which is owned in Great Britain, this province, or

any of the aforesaid governments, which are hereby exempted ; to be paid unto the commissioner or receiver of the dutys of impost, and to be employed for the ends and uses aforesaid.

[SECT. 20.] And the said commissioner is hereby impowered to appoint a meet and suitable person, to repair unto and on board any ship or vessel, to take the exact measure or tunage thereof, in case he shall suspect that the register of such ship or vessel doth not express and set forth the full burthen of the same ; the charge thereof to be paid by the master or owner of such ship or vessel, before she be cleared, in case she shall appear to be of greater burthen ; otherwise, to be paid by the commissioner out of the money received by him for impost, and shall be allowed him, accordingly, by the treasurer in his accompts. And the naval officer shall not clear any vessel, until he be also certified, by the said commissioner, that the duty of tonage for the same is paid, or that it is such a vessel for which none is payable according to this act.

*And be it further enacted by the authority aforesaid.*

[SECT. 21.] That there be one fit person, and no more, nominated and appointed by this court, as a commissioner and receiver of the aforesaid dutys of impost and tunage of shipping, and for the inspection, care and management of the said office, and whatsoever relates thereunto, to receive commission for the same from the governour and commander-in-chief for the time being, with authority to substitute and appoint a deputy receiver in each port, and other places beside that wherein he resides, and to grant warrants to such deputy receivers for the said place, and to collect and receive the impost and tunage of shipping aforesaid that shall become due within such port, and to render the accompts thereof, and pay in the same, to the said commissioner and receiver : which said commissioner and receiver shall keep fair books of all entrys and dutys arising by virtue of this act ; also, a particular account of every vessel, so that the dutys of impost and tunage arising on the said vessel may appear ; and the same to lye open, at all seasonable times, to the view and perusal of the treasurer and receiver-general of this province (or any other person or persons whom this court shall appoint), with whom he shall accompt for all collections and payments, and pay all such moneys as shall be in his hands, as the treasurer or receiver-general shall demand it. And the said commissioner or receiver and his deputy and deputys, before their entring upon the execution of their office, shall be sworn to deal truly and faithfully therein, and shall attend in the said office from nine to twelve of the clock in the forenoon, and from two to five of the clock in the afternoon.

[SECT. 22.] And the said commissioner and receiver, for his labour, care and expences in the said office, shall have and receive, out of the province treasury, the sum of twenty-three pounds six shillings and eightpence, in bills of the new tenor, per annum ; and his deputy or deputys to be paid for their service such sum or sums as the said commissioner and receiver, with the treasurer, shall agree upon, not exceeding ten pounds, in bills of the new tenor, each ; and the treasurer is hereby ordered, in passing and receiving the said commissioner's accompts, accordingly, to allow the payment of such salary or salaries, as aforesaid, to himself and his deputy or deputys.

*And be it further enacted by the authority aforesaid,*

[SECT. 23.] That all and every of the rates and dutys of impost which shall arise due by virtue of this act, may be paid and discharged by silver coin, of sterling alloy, at six shillings and eightpence per ounce, Troy weight ; or with gold coin, at four pounds eighteen shillings per ounce ; or with province bills of the new tenor, according to their several denominations ; or with bills of the old tenor, accounting three



for one ; which coin and bills of credit the impost officer shall account with the province treasurer for.

1736-37, chap. 8.

*And forasmuch* as it is provided, in the act made for the first emission of the bills of the new tenor, that the dutys of impost and tunage of shiping, and the dutys of the lighthouse, shall be paid in silver and gold, for the furnishing the treasurer with money for paying off the bills of credit that shall be in the hands of private persons in the year one thousand seven hundred and forty-two; and the said dutys of impost were for some time paid in silver and gold accordingly, but it has been, in experience, found of publick inconvenience, in that it has tended to raise the price of silver and gold, by such a number of particular persons being obliged to purchase it at a certain time; in order, therefore, to prevent that inconvenience, and also that the possessors of the bills may have equal security for their being paid in silver and gold, according to the intentions and engagements of this court,—

*Be it enacted,*

[SECT. 24.] That the treasurer be and hereby is impowered and directed to purchase silver and gold, at the best rates he can, with the province bills which he may receive from the impost officer; which silver and gold, so purchased, together with what may be received in consequence of this act, shall remain in the publick treasury, as a further fund and security for the exchanging such of the province bills as are now extant, and may be outstanding in the year one thousand seven hundred and forty-two, and for no other use whatsoever.

*Provided,*

[SECT. 25.] That this act shall be and continue in force from the thirtieth day of December, instant, until the thirtieth day of December which will be in the year of our Lord one thousand seven hundred and forty-one, and to the end of the next session of the general court, and no longer. [*Passed and published December 31.*]

# ACTS

PASSED AT THE SESSION BEGUN AND HELD AT BOSTON,  
ON THE TWENTY-SIXTH DAY OF MARCH, A.D. 1741.

## CHAPTER 18.

AN ACT FOR REVIVING OF ACTIONS AND PROCESSES, &c., DEPENDING  
IN THE COURT OF COMMON PLEAS, WITHIN AND FOR THE COUNTY  
OF BRISTOL, DISCONTINUED BY REASON OF THE SEVERITY OF THE  
WINTER.

WHEREAS, the time for holding the inferior court of common pleas, Preamble.  
at Bristol, within and for the county of Bristol, was by law fixed to the  
second Tuesday in December, yearly, and the said court, to have been  
held in December last, was adjourned, by an order of the great and  
general court or assembly of this province, to the first Tuesday of Feb-  
ruary last; and the difficulty of the season and the depth of the snow  
having rendred the publick roads in many places impassible, the jus-  
tices of said court did not meet at the time set by said order for hold-  
ing the same, nor to adjourn the same to any further day; to the end,  
therefore, that no inconvenience may arise, and that justice may be  
done to the persons concerned.—

*Be it enacted by His Excellency the Governour, Council and Repre-*  
*sentatives in General Court assembled, and by the authority of the same,*

[SECT. 1.] That all writ[t]s, processes, pleas, actions, suits, complaints,  
precepts, bail-bonds or other thing or things whatsoever, returned or  
depending, or that had day or days, in the said inferior court of com-  
mon pleas to have been holden and kept on the said first Tuesday of  
February last past, by virtue of the order aforesaid, shall stand and  
continue, and are hereby continued, unto the inferior court of common  
pleas, to be holden at Bristol, within and for the county of Bristol, on  
the second Tuesday of June next, and may be there pleaded, heard and  
proceeded upon.

Writs, actions,  
&c., continued  
to Bristol infe-  
rior court in  
June, 1741.

[SECT. 2.] And all such persons as had day, by any writ[t]s, pleas,  
actions, suits, complaints, process, precepts or other thing or things what-  
soever, at or in the said inferior court, to have been holden and kept, as  
aforesaid, on the second Tuesday of December, aforesaid, or at the said  
adjournment thereof, shall and hereby are required, respectively, to  
appear at the inferior court to be holden at Bristol, for the county of  
Bristol, on the second Tuesday of June next, under the penalty of  
forfeiting their bail-bonds or recognizances conditioned for the appear-  
ance of the said parties, or any other penalty that might have incurr'd  
upon the said parties for not appearing at the said inferior court, or on  
the adjournment thereof, as aforesaid, if the same had then been holden  
and kept.

Persons con-  
cerned required  
to appear at  
said court.

Petit jurors ex-  
cepted.

*Provided, nevertheless,*

[SECT. 3.] And it is not to be understood, by anything herein contained, that the petit jurors chosen to serve at the said inferior court, or at the adjournment thereof, on the first Tuesday of February, aforesaid, are obliged to appear and serve at the said inferior court, to be holden on the second Tuesday of June next; but [that] the jurors to be chosen and returned, of course, to the said inferior court to be held on the second Tuesday of June next, shall appear and serve thereon; and the former juries are hereby dismiss'd. [*Passed and published April 10, 1741.*]

## CHAPTER 19.

### AN ACT IN FURTHER ADDITION TO AN ACT FOR REGULATING OF FENCES, &c.

Preamble.

1693-4, chap. 7.  
1727-28, chap. 13.

WHEREAS, in and by an act made in the fifth year of King William and Queen Mary, entitled "An act for regulating of fences," &c., provision is made for the making and maintaining of fences betwixt party and party, and what fences, brooks, rivers, ponds or creeks, in the judgment of the fence-viewers, shall be accounted sufficient fences; but, whereas the parting line or bounds between one man's land and another often happens to be some small brook, river, pond or creek, which of itself is not a sufficient fence, neither is it practicable for the owners of said lands to fence in the middle thereof, which is the line betwixt them; and it sometimes happens that the owners of the land on one side will not help the other make and maintain the fence for a partition fence on either side thereof, in which case the law has made no provision,—

*Be it therefore enacted by His Excellency the Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

How fences are  
to be ordered  
when lands are  
divided by a  
brook, river,  
pond or creek.

[SECT. 1.] That if, at any time after the publication of this act, it shall happen that the lands under improvement of two persons, each being bounded on or by a brook, river, pond or creek, which of itself, in the judgment of the fence-viewers, is not a sufficient fence, nor is it practicable for the partition-fence betwixt them to be made in the middle thereof, which may be their real bounds; if in such case it shall happen that the owner or owners of the land on one side, shall refuse to join with the owner or owners of the land on the other side, in making and maintaining the fence for their partition-fence, on the one side or the other; in that case, on complaint or information made to two or more of the fence-viewers of the town or towns where such lands l[ie][y]e, shall forthwith repair to the said place, and view the said brook, river, pond or creek; and if, in their judgments, the said brook, river, pond or creek, of itself, is not a sufficient fence, and that it is impracticable to fence in said brook, river, pond or creek, that then the fence-viewers shall adjudge and determine how, or on which side thereof, the fence shall be set up and maintained, or whether partly on one side and partly on the other, in such manner as may be most beneficial and least prejudicial to the parties; and that, on the neglect or refusal of either of said parties to erect his part or proportion of said fence, in such place as by the fence-viewers adjudged, the said fence-viewers shall forthwith procure, or cause to be procured, suitable stuff and materials, and therewith make and set up a sufficient partition-fence between the said parties, which shall be and remain as a partition-fence, and be by

Fence-viewers  
to order the  
fence in case,  
&c.

the said parties there maintained till by said parties otherwise ordered; and that the costs and charges thereof shall be paid by him or them, in whole or proportion, for whom the said fence is so made; and to be by the said fence-viewers accordingly recovered, pursuant to an act made in the tenth year of the said King William, in addition to the aforesaid act of King William and Queen Mary: which said act is to be observed as a rule in all things wheretoe this act makes provision.

How costs of ponds are to be recovered.  
1698, chap. 12, § 10.

*Nevertheless, it is provided by this act,*

[SECT. 2.] That it shall be in the liberty of the willing party to erect his own part and proportion of said fence, pursuant to the division made by the fence-viewers, as aforesaid.

Proviso.

*And, whereas it may happen that the bound or line betwixt man and man, may butt, or end on, or run into, the sea, or some river or pond, whereby [the] [a] water-fence may be needful[1],—*

*Be it enacted by the authority aforesaid,*

[SECT. 3.] That, when and so often as it shall so happen that a water-fence is needful[1], the said water-fence from time to time shall be made and maintained by the owners of the land butting, as aforesaid, in equal halves; and, when it happens that either of said owners shall refuse building or maintaining his part thereof, the fence-viewers, as is provided, shall do or cause the same to be done.

How a water-fence is to be ordered.

[SECT. 4.] This act to continue and be in force for the space of five years, and no longer. [Passed and published April 10, 1741.]

Limitation.

## CHAPTER 20.

AN ACT FOR EXPLANATION OF AND SUPPLEMENT TO THE ACT REFERRING TO THE POOR, &c.

WHEREAS the law for binding out poor children apprentices, is misconstrued by some to extend only to such children whose parents receive alms; for explanation whereof,—

Preamble.

1730-31, chap. 3.

*Be it declared and enacted by His Excellency the Governor, Council and Representatives in General Court assembled, and by the authority of the same,*

[SECT. 1.] That the selectmen or overseers of the poor, in any town or district within this province, or the greater part of them, shall take order, and are hereby impowered, from time to time, by and with the assent of two justices of the peace, to set to work, or bind out apprentices, as they shall think convenient, all such children whose parents shall, by the selectmen, or overseers of the poor, or the greater part of them, be thought unable to maintain them (whether they receive alms, or are chargeable to the place or not), so as that they be not cessed to publick taxes or assessments for the province or town charges; male children, till they come to the age of twenty-one years, and females, till they come to the age of eighteen years, or time of marriage; which shall be as good and effectual in law, to all intents and purposes, as if any such child were of full age, and, by indenture or covenant, had bound him- or herself, or that their parents were consenting thereto; provision therein to be made for the instructing of children so bound out; vizt., males, to read and write: females, to read; as they respectively may be capable. And the selectmen or overseers of the poor, shall inquire into the usage of children so bound out, by themselves or predecessors, and endeavour to defend them from any wrongs or injuries.

Children whose parents are unable to maintain them, and do not pay taxes, to be set to work or bound out.

*And, for the better preventing of idleness and loose or disorderly living,—*

Selectmen, &c.,  
to set to work  
persons that  
have no lawful  
employment.

*Be it further declared and enacted by the authority aforesaid,*

[SECT. 2.] That the selectmen or overseers of the poor, or the greater part of them, be and hereby are further impowered, by and with the assent of two justices of the peace, to set to work all such persons, married or unmarried, able of body, having no means to maintain them, that live idly, and use or exercise no ordinary or daily lawful[1] trade or business to get their living by.

[SECT. 3.] And no single person of either sex, under the age of twenty-one years, shall be suffered to live at their own hand, but under some orderly family government; nor shall any woman of ill-fame, married or unmarried, be suffered to receive or entertain lodgers in her house.

[SECT. 4.] And the selectmen, overseers of the poor, constables and tythingmen, are hereby ordered to see to the due observance of this act, and to complain and inform against any transgressors thereof, to one or more justices of the peace, or the court of general sessions of the peace, who are hereby respectively required and impowered, upon due conviction of the offender or offenders, for living idly or disorderly, contrary to the true intent of this act, to commit or send such offenders to the house of correction or workhouse, there to remain and be kept to labour until they be discharged by order of such justice or justices, or the court of general sessions of the peace, unless such person or persons, so complained of, shall give reasonable caution or assurance, to the satisfaction of the justice or court, that they will reform.

*Provided,*

Proviso.

[SECT. 5.] This act shall not be construed to extend to hinder any single woman of good repute, from the exercise of any lawful[1] trade or employment, for a livelihood, whereto she shall have the allowance and approbation of the selectmen or overseers of the poor, or the major part of them.

[SECT. 6.] And any two justices, committing any person or persons, as aforesaid, are hereby impowered, as they shall find cause, to discharge them again.

Limitation.

[SECT. 7.] This act to continue and be in force for the space of seven years from the publication thereof, and from thence to the end of the session of the general court then next following, and no longer. *[Passed and published April 10, 1741.]*

## CHAPTER 21.

AN ACT IN ADDITION TO THE SEVERAL ACTS HERETOFORE MADE RELATING TO COMMON NUSANCES.

Preamble.

FOR PREVENTING of desolation by fire that may happen by erecting of potters' kiln[s, and] houses near to dwelling-houses and other buildings, and the inconvenience and misch[e]f that may accrue to the neighbourhood by the offensive and unwholesome smook and stench proceeding from the kilns when on fire,—

1692-3, chap. 23.  
1696, chap. 13.  
1703-9, chap. 4.  
1719-11, chap. 8.

*Be it enacted by His Excellency the Governor, Council and Representatives in General Court assembled, and by the authority of the same,*

Potters' kilns  
not to be set up  
in market or  
seaport towns  
without license.

[SECT. 1.] That if, at any time after the publication of this act, any person or persons shall presume to erect or set up any potters' kiln, or kiln-house, in any place within either of the seaport or market towns in this province, other than such place as heretofore has been used for that purpose, or as the selectmen of such town, with two



or more of the next justices of the peace, shall assign or approve of as most safe and convenient and least offensive to the neighbourhood, every person and persons so offending, and being thereof duly convicted before the court of general sessions of the peace in such county, shall forfeit and pay the sum of thirty pounds; one-third part of the said forfeiture to be to his majesty, for the support of this government, one-third part, to the poor of the town where such offence shall be committed, and the other third, to him or them who shall inform and sue for the same. Penalty.

[SECT. 2.] And the offender or offenders, so convict, shall likewise enter into recognizance to take down such kiln-house, and, in default of entering into recognizance, as aforesaid, shall be committed to prison, until[1] he do cause the same to be taken down; or, otherwise, such kiln-house shall be taken down by order of the said court, and the charge thereof be levied by distress and sale of such offender's goods, returning the overplus, if any be. [*Passed and published April 10, 1741.*]

## CHAPTER 22.

### AN ACT FOR THE EASE OF PRISONERS FOR DEBT.

FORASMUCH as, in divers counties within this province, the prisons are so small, that, when there are any number of prisoners, there are not rooms or apartments sufficient for the receiving and securing of them, without lodging felons and other criminals and prisoners for debt together in one and the same room; which ought not to be,— Preamble.  
1735-36, chap. 7.

*Be it therefore declared and enacted by His Excellency the Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

[SECT. 1.] That, in the several counties within this province, the prisons that are or shall be erected within the said counties, shall be made so large as that there may be and shall be sufficient and convenient apartments for the receiving and lodging of prisoners for debt, separate and distinct from felons and other criminals. Prisons to have apartments for debt.

*And be it further enacted by the authority aforesaid,*

[SECT. 2.] That any person imprisoned for debt, either upon mean process or execution, shall be permitted and allowed to have a chamber and lodging in any of the houses or apartments belonging to such prisons, and liberty of the yard within the same in the daytime, but not to pass without the limits of the prison, upon reasonable paym[en]t to be made for chamber-room, not exceeding one shilling and sixpence per week; such prisoner giving bond to the sheriff, with two sufficient sureties, being freeholders, bound, jointly and severally, in double the sum for which he is imprisoned, with the condition, under-written, in form following; vizt.,— Prisoners for debt allowed to lodge in the prison-keeper's house, &c.

That, if the above-bounden A. B., now prisoner in His Majesty's prison in B. within the county of S., at the suit of C. D., do and shall from henceforth continue and be a true prisoner in the custody, guard and safe-keeping of J. S., keeper of the same prison, and in the custody, guard and safe-keeping of his deputy, officers and servants, or some or one of them within the limits of the said prison, until[1] he shall be lawfully discharged, without committing any manner of escape or escapes during the time of his restraint, then this obligation to be void, or else to abide in full force and virtue. Recognizance.

[SECT. 3.] And, in case of an escape, the whole penalty of such bond shall be to and for the use of the creditor, and such bond shall Upon prisoner's escape bond to

be assigned to  
the creditor.

be transferred and assigned over to the creditor by the sheriff, with full power to enable him to put the same in suit; and the creditor shall recover the whole sum therein expressed, and the court shall make up judgment accordingly; and the sheriff delivering up such bond to the creditor, so assigned as aforesaid, shall not be liable to any action of escape for any prisoner enlarged upon security given in manner as aforesaid.

*Provided, always,*

Proviso.

[SECT. 4.] That the sureties be approv[e]d as sufficient, by the justices of that court before whom the cause upon such commitment is to be tried, or from whence execution issued, or any two of them being together, or by two justices of the county, *quorum unus*, as aforesaid, where the debtor is imprisoned, and no other surety to be accepted.

Limitation.

[SECT. 5.] This act shall continue and be in force for the space of five years from the publication thereof, and from thence to the end of the next session of the general court, and no longer. [*Passed and published April 10, 1741.*]

## CHAPTER 23.

### AN ACT TO ENCOURAGE THE INCREASE OF SHEEP AND GOATS.

Preamble.

FORASMUCH as rams and he-goats going at large with ewes at all times of the year has, by long experience, been found prejudicial to the increase of sheep and goats,—

*Be it therefore enacted by His Excellency the Governor, Council and Representatives in General Court assembled, and by the authority of the same,*

Rams and he-  
goats not to go  
at large, but at  
a certain season,  
under penalty.

[SECT. 1.] That, from and after the publication of this act, no rams or he-goats shall be suffered to go at large, or to be out of the enclosure of the owner thereof, from the tenth day of August till after the fifteenth day of November, annually, under the penalty of fifteen shillings for each and every ram or he-goat found out of the enclosure of the owner thereof, as aforesaid; said penalty or forfeiture to be paid, by the owner of such ram or he-goat, to the party finding and taking up the same going at large within the term above mentioned, and may be recovered by action of debt before a justice of the peace of the county where such forfeiture arises, or of the county where the owner may be found.

[SECT. 2.] And, in case the owner be not known, the person or persons who shall take up shall likewise secure and keep[e] such ram or he-goat, and, within twenty-four hours after, shall lodge a notification thereof in writing under his hand, with the town clerk of the town where such ram or he-goat was found going at large, setting forth the colour and marks, natural and artificial (if such there be), which clerk shall make and keep an entry or record thereof, and post up the same at the door of his dwelling-house, for the information of any inquirer, and for his service herein shall have two shillings paid him by the person lodging the notification as aforesaid.

[SECT. 3.] And, in case the owner or owners of any ram or he-goat so taken up and posted, shall, within five days next after such posting, repair to the party taking up the same, and shall pay or tender to him the before-mentioned forfeiture, together with the reasonable charges occasioned by taking up, keeping and posting as aforesaid, such ram or he-goat shall be again restored to the owner; but, if the owner do not

Penalty for  
their going at  
large, as aforesaid.

appear within the aforesaid term of five days, or should be a second time convicted before a justice of the peace of transgressing against this act; in either of the cases before mentioned, the ram or he-goat found going at large, and taken up pursuant to this act, shall be declared forfeit, and shall thenceforward be the sole property of the person or persons taking up and posting the same in manner as is before mentioned.

[SECT. 4.] This act to continue and be in force for seven years from the publication thereof, and no longer. *[Passed and published April 10, 1741.]* Limitation.

## CHAPTER 24.

### AN ACT TO PREVENT DAMAGE TO INDIAN CORN AND OTHER GRAIN.

WHEREAS, in many places within this province, great damage has of late been done in corn[*e*][*e*]lds by crows and blackbirds strip[*p*]ing the ears of Indian corn, and plucking up the tender stalk when newly sprouted in the f[*e*][*e*]ld, and much stroy made of grain, and damage otherwise done, by water-rats, grey squirrels and ground squirrels; for the better preventing whereof for the future,—

*Be it enacted by His Excellency the Governor, Council and Representatives in General Court assembled, and by the authority of the same,*

[SECT. 1.] That, from and after the publication of this act, whosoever shall kill any crows, blackbirds, water-rats, grey or ground squirrels within this province, and shall bring their heads unto any one of the selectmen of the town in which such crows, blackbirds, water-rats, grey or ground squirrels shall be killed, or to either of the selectmen of the town next adjacent, where any are killed being in no township, who shall cut the beaks from off the heads of such crows or birds, and shall cut both ears from off the heads of such water-rats, grey and ground squirrels, and such selectm[*e*][*a*]n shall give the party a receipt for the same, and the receipt to be given for blackbirds shall express whether they were grown or fledg'd or not; and such receipt, for either of the other species of creatures before enumerated, shall set forth whether, in his judgment, they be two months old or under.

Premium allowed for killing crows, blackbirds, water-rats and squirrels, to be paid out of the town treasury.

[SECT. 2.] And, upon producing such receipt, the party shall be paid and allowed by the town treasurer, or selectmen where there is no treasurer, out of the town stock, for every dozen of blackbirds taken in their nests and not fledged, twelvepence; for the like number of blackbirds grown and fledged, three shillings; and so in proportion for any less or greater number; for each crow, sixpence; for every water-rat, grey squirrel and ground squirrel, fourpence.

Premiums to be repaid out of the province treasury.

[SECT. 3.] And all such payments, so made, shall be allowed and paid by the province treasurer, upon his receiving a certificate under the hands of the major part of the selectmen of such town, and town treasurer (where any such is) or town clerk; which certificate shall be in the following form:—

These may certify that there has been paid out of the town stock of A. for fledged blackbirds, and blackbirds, not fledged; [and so *mutatis mutandis* for the other creatures before named] killed in or near unto this town, and within this province, since the day of last past; and the heads thereof brought unto one of the selectmen of said town, and their beaks (if

Form of the certificate.

crows or blackbirds, otherwise both their ears) cut off by one of us, as is directed by this act; in the whole the sum of        pounds, which sum we desire you to allow to our town, by paying the same unto A. B., our town treasurer. Dated in A. aforesaid, the        day of        Anno Domini, 17        .

} Selectmen,  
} Town Treasurer,  
} or Town Clerk.

To the Province Treasurer.

Inhabitants to  
be assessed for  
said premium.

[SECT. 4.] And the selectmen or assessors of each town, respectively, shall be and hereby are authorized and impowered to assess the inhabitants of their town, yearly, in due proportion, such sum and sums as they shall judge necessary to answer the payments to be made out of the town stock, as aforesaid, together with other charges of the town, and to cause the same to be collected in manner as is by law directed for the gathering of town rates.

And, *whereas* some towns within this province may have orders or by-laws now subsisting, whereby persons killing blackbirds, or some other of the creatures beforementioned, are intitled to a reward; wherefore, to prevent the inconvenienc[e][s] that may arise, should such orders subsist and be in force together with this act,—

*Be it further enacted by the authority aforesaid,*

Town by-laws  
superseded by  
this act.

[SECT. 5.] That all town orders now in force, which give a premium for killing of blackbirds or any other kind of creatures specified in this act, be and they are hereby superseded (as far forth as they relate to those species) and declared null and void.

Limitation.

[SECT. 6.] This act to continue and be in force for the space of five years from the publication thereof, and no longer. [*Passed and published April 10, 1741.*]

## CHAPTER 25.

AN ACT FOR ERECTING SUFF[E]I[E]LD EQUIVALENT LANDS, COMMONLY CALLED GLASGOW, IN THE COUNTY OF HAMPSHIRE, INTO A TOWNSHIP BY THE NAME OF BLANDFORD.

Preamble.

WHEREAS it hath been represented to this court, by the inhabitants of Suff[e]i[e]ld equivalent lands, commonly called Glasgow, in the county of Hampshire, that they labour under great difficulties by reason of their not being incorporated into a township,—

*Be it enacted by His Excellency the Governor, Council and Representatives in General Court assembled, and by the authority of the same,*

A new town  
made called  
Blandford.

Bounds thereof.

[SECT. 1.] That the lands aforesaid be and hereby are erected into a separate and distinct township by the name of Blandford; the bounds whereof are as followeth; vizt., beginning at a black birch, marked, with stones about it, being the south-east corner, and is near a small brook that runs into Westfield River, and on the west side of a steep, round mountain; from thence, running west, twenty degrees north, one thousand nine hundred and forty-five rods, to a maple-tree, marked; thence north, twenty degrees east, one thousand nine hundred and twenty rods, to a beech-tree, marked, with stones about it; from thence, east, twenty degrees south, one thousand nine hundred and forty-five rods, to a yellow-pine tree, marked, with stones about it; from thence, running south, twenty degrees west, one thousand nine hundred and twenty rods, to the bounds first mentioned.

[SECT. 2.] And that the inhabitants on the land aforesaid be and are hereby vested with all the powers, privile[d]ges and immunities which the inhabitants of other towns are or by law ought to be vested with. [*Passed and published April 10, 1741.*]

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## CHAPTER 26.

### AN ACT TO PREVENT THE EXPORTATION OF PROVISIONS FOR SUPPLYING HIS MAJESTY'S ENEMIES.

WHEREAS, the supplying his majesty's enemies with any provisions whatsoever, may be of dangerous consequence during the present war,—

*Be it enacted by His Excellency the Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

[SECT. 1.] That, from and after the publication of this act, no ship or other vessel be permitted to take on board any wheat or other grain, bread, flower, beef, pork, fish or any other provision of any sort, nature or kind whatsoever, unless bond be first given by the master of such ship or vessel, with one sufficient surety, to the impost officer or his deputy, in the sum of two thousand pounds sterling, for each vessel of or above one hundred tons, and one thousand pounds sterling, for each vessel under that burthen, that all such provisions shall be landed in some place within his majesty's dominions, or delivered to some of his majesty's ships of war, or some of his majesty's officers in the land service (the danger of the seas excepted), and that the master of every ship or vessel already laden or now taking in their lading, give bond as before expressed; and that a legal certificate of the landing, discharging or delivering said provisions accordingly, shall, within eighteen months from the date hereof, be produced and brought to the said impost officer or his deputy; and, upon such certificate's being produced, said impost officer or his deputy is hereby impowered and directed to cancel such bond. The impost officer's fee for taking such bond shall be four shillings, old tenor bills, and no more.

*And be it further enacted by the authority aforesaid,*

[SECT. 2.] That every master of a ship or other vessel, before clearing at the impost office, shall give in to the commissioners of said office, under his hand, a true manifest of all the provisions of all sorts taken on board for exportation; and shall also make oath that the said manifest contains a just and true account, to the best of his knowledge, of all the provisions of any kind or sort whatsoever taken on board said ship or vessel, and that, if he shall know of any more provisions of any sort or kind taken on board, or to be taken on board before his leaving the port, he will add them to said manifest.

*And be it further enacted by the authority aforesaid,*

[SECT. 3.] That, if any person shall presume to take or load any provisions on board any vessel, before he has first given bond, as aforesaid, such provision, together with the said vessel, tackle and appurtenances, shall be forfeited, and may be seized by the governour or commander-in-chief for the time being, or any person or persons by him authorized in that behalf, or by warrant of any justice of the peace (which warrant such justice is hereby impowered and required to give upon request), or by any impost officer, or any person or persons under him or them accompanying, aiding and assisting; and all and every such offence and forfeiture shall and may be prosecuted for and recovered in any court of record in the county where such offence is committed; and such penalties and forfeitures so recovered shall be divided as follows;



viz<sup>t</sup>. two-third parts thereof, for the use of his majesty, to be applied for the support of this government, and the other third part to the informer or prosecutor who shall sue for the same.

And for the effectual carrying this act into execution,—

*Be it further enacted,*

[SECT. 4.] That the expence of prosecuting any offence against this act, be paid, in the first place, out of the part of the penalty and forfeiture hereby given and granted to his majesty.

*And be it further enacted by the authority aforesaid,*

[SECT. 5.] That the naval officer within any of the ports of this province shall not clear or give passes to any master of any ship or vessel outward bound, until it be certified, by the commissioner or receiver of the impost, that bond is given, as afore-expressed: *saving, nevertheless*, a liberty of transporting fish to any part of Europe or Africa, altho' inhabited by foreigners, if not at war with his majesty, the master giving bond that such fish shall not be sold, delivered or landed to or for any foreigners in America.

[SECT. 6.] This act to continue and be in force until the end of the sessions of this court in May next, and no longer. [*Passed April 10, 1741.*]

NOTES.—There were four sessions of the General Court this year. The third session appears, by the record, to have commenced Friday, November 21; but the printed acts describe it as beginning the previous Wednesday. It is possible that the Court was prorogued two days, by a proclamation, not recorded. The fourth session began March 26, and sat until April 10, when it was adjourned to April 17. The session continued from the last date to April 21, when the Court was adjourned to the 24th, and was dissolved the next day.

The engrossments of the acts of this year are preserved, except of chapters 1 and 10; and all were printed with the sessions acts, except chapters 17 and 26.

The acts of the third and fourth sessions were delivered to the clerk of the Privy Council, August 26, 1741; referred to the committee on plantation affairs, September 8; and by them referred to the Board of Trade, on the tenth of November following. These acts were sent to Mr. Fane November 26, 1741, and he reported, December 21, that he had no objection to any of them in point of law. The representation of the Lords of Trade upon these acts bears date December 8, 1743. In this they report that chapters 11, 17, 18 and 26 "were for a temporary service and have had their effect"; that chapters 12, 13, 14, 15, 19, 20, 21, 22, 23 and 24, "relating to the Economy of the Province, are enacted for their private convenience & We see no reason why His Majesty may not be graciously pleased to confirm them"; and that chapters 16 and 25, "relate to the settling & dividing Townships" (See note to those chapters, *post*.) An order in Council, confirming all the acts of these two sessions, except the temporary acts, was passed January 5, 1743.

The acts of the first and second sessions were delivered to the clerk of the Privy Council in waiting, July 8, 1743; referred by the Lords Justices to the committee on plantation affairs, July 12; and by them referred to the Lords of Trade, July 24. They were then sent to Mr. Fane July 21, 1745; and he reported, December 11, 1745, that he had "no objection," &c. The Lords of Trade reported to the committee of the Privy Council, April 17, 1745, that chapters 1, 2, 3, 8 and 10 "were for a temporary service, and are either expired, or the purposes for which they were enacted have been completed"; that chapters 4, 5, 6 and 9, "relating to the Economy of the Province, are enacted for the private convenience thereof, and We see no reason why His Majesty may not be graciously pleased to confirm them"; and that chapter 7 "relates to the dividing and settling a Township." (See note to chapter 7, *post*.) Upon this report an order in council passed, May 28, 1746, confirming chapters 4, 5, 6, 7 and 9.

Chap. 2, § 1. "July 11, 1740.—In the House of Representatives Voted that His Excellency the Governor be desired to give his Orders for the Enlistment of sixty effective men to be posted at His Majesty's Castle William, including Officers; and for their encouragement. It is further Voted that such Persons enlisting as aforesaid shall have given them one good Coat of the value of Six Pounds, and shall receive the following Wages, viz<sup>t</sup> The Captain after the rate of Two hundred and ten Pounds per Annum; the Lieutenant One Hundred and twenty-five Pounds per Annum; the Chaplain One Hundred & Seven Pounds per Annum; the Gunner One Hundred Pounds per Annum; Six Quarter-Gunners, Four pounds per Month each; two Sergeants, Four Pounds per Month, each; three Corporals and two Drummers three pounds sixteen shillings per month each; and forty three Centinels at three pounds per month each: all the aforesaid sums to be in Bills of the old Tenor or in new Tenor Bills equivalent thereto, Provided the said officers, soldiers and others retained in His Majesty's service and Pay of the aforesaid Garrison attend the service and perform the duty of their respective posts; and that no Indian, Negroe or Molatto, except one servant of the Captains be enlisted or retained in that Service and no other Man, unless he be *sui juris*, be enlisted as aforesaid; that the Captain General be also desired to order an Enlistment of two independent Companies, each consisting of eighty of the ablest and most effective men out of the Regiments nearest the said Castle for the service of that Fortress in case of an attack; that the Captain General also be desired to give Order that those men shall attend the Military Exercises of the great artillery eight times every year;

that for their encouragement in that service they may be freed from all other Military Exercises and Impresses, and that those men be subsisted there, every day they may so attend; this Enlistment to continue until the Tenth day of July One Thousand Seven Hundred and Forty-Two.

In Council: Read and Concur'd

Consented to

J: BELCHER."

—*Council Records*, vol. XVII., b. 2, p. 383.

"Novr<sup>r</sup> 20, 1740.—A Petition of John Larrabee, Lieutenant of Castle William. Shewing that he has an allowance in the Establishment of the Garrison there for wages for a White servant, but forasmuch as he has now no White Servant, but a Negroe man very capable of Service; Therefore Praying that he may be allowed wages for said Negroe.

In the House of Representatives Read and Ordered that the prayer of the Petition be granted; and the petitioner be allowed the same pay for his Negroes service as is established for a White servant.

In Council: Read and Concur'd.

Consented to

J. BELCHER."

—*Ibid.*, p. 441.

§ 11. "May 30, 1740.—In the House of Representatives Ordered that a Bounty or Premium be paid out of the publick Treasury to each effective able bodied man who shall enlist himself to serve as a soldier in the designed Expedition to the Spanish West Indies: That the said Bounty be Five pounds in Bills of the Old Tenour, or One Pound thirteen shillings and four pence in Bills of the New Tenour: That the said Bounty be paid immediately after the arrival of His Majestys Commissions & Regular Companies being formed; That a good convenient blanket be delivered to each Soldier on their embarking, for their proper use and service; That the sum of Fifty Pounds in Bills of the Old Tenour or Sixteen Pounds thirteen shillings and four pence in Bills of the New Tenour be given to the Captain of each Company to provide necessary stores for the soldiers of his Company in their voyage.

In Council: Read and Concur'd

Consented to

J. BELCHER."

—*Ibid.*, pp. 298-9.

"July 8, 1740.—In the House of Representatives Whereas in the Act for supplying the Treasury with the sum of Eighty Thousand Pounds in Bills of the Old Tenour, the Committee heretofore appointed by this Court for signing the Bills of Publick Credit on this Province are directed to cause to be imprinted and delivered to the Treasurer the said sum of Eighty thousand Pounds in Bills as aforesaid; and it since appears to this Court that there is a considerable sum in Bills both of the Old and New Tenour now in the Treasury, which are fit to pass out in payment and more daily are coming in; Therefore

Voted that the said Committee be and hereby are restrained from causing any part of said sum of Eighty Thousand Pounds to be struck off and signed, as aforesaid, until the further Order of this Court, & that the Treasurer be and hereby is directed to issue forth such of the said Bills as well of the Old as of the New Tenour as are not worn and defaced, in lieu of the Bills by said Act ordered to be imprinted, Pursuant to the Warrants that shall be directed to him for that purpose, agreeable to the Tenour and true Intent of said Act; And such payments as shall be made in Bills of the New Tenour shall be in proportion to the Old, as one to three.

In Council: Read and Concur'd

Consented to

J. BELCHER."

—*Ibid.*, p. 374.

Chap. 7.—"In our Report to your Lordships dated the 8<sup>th</sup> of June 1743, we gave our opinion against this method of dividing & settling Townships, since which His Majesty has been pleased to send an Instruction to his Governor of the Massachusetts Bay, directing him not to give his assent for the future to any Bill for erecting a new Town or dividing an old one without a suspending Clause be inserted therein. However, as His Majesty's pleasure in this case could not be known at the time when this Act passed and as there is reason to believe the same may have been carried into execution and that a Precept or Writ may have been issued to the Town thereby erected to send Representatives to the Assembly, We would humbly submit to Your Lordships whether His Maj<sup>ty</sup> may not be advised to confirm the said Act

We are, My Lords, Your Lordships most obedient and most humble serv<sup>ts</sup>

MONSON

R. PLUMER

B. LEVESON GOWER

I. GRENVILLE

WHITEHALL April 17<sup>th</sup> 1746."

—*Report or "representation" of Lords of Trade, "Mass. Bay; B. T."* vol. 84, p. 155.

Chap. 10—See note to chapter 2, § 11, *ante*.

Chaps. 16 and 25.—"In our Report to Your Lordships dated the 8<sup>th</sup> of June last, We gave our Reasons against this method of settling & dividing Townships, since which His Majesty has been graciously pleased to send an Instruction to his Governor directing him not to give his assent for the future to any Bill for erecting a new Town or dividing an old one without a suspending clause be inserted therein. However as there is reason to believe these may have been carried into execution & that Precepts or Writs may have been issued to the said Towns thereby erected to send Representatives to the Assembly, We would humbly submit whether His Majesty may not be advised to confirm the said acts

We are &c. &c.

MONSON

R. PLUMER

B. KEENE

JA. BRUDENELL

M. BLADEN.

WHITEHALL Dec<sup>r</sup> 8<sup>th</sup>, 1743."

—*Ibid.*, p. 119.

*Chap. 20.*—A bill for reenacting the provisions of the act of 1730-31, chapter 3, passed to be engrossed in the House of Representatives, and was read a first time in the Council, June 25, 1736, but does not appear to have reached another stage.—*See Council Records, vol. XVI., p. 350.*

The note to the act of 1720-21, chapter 7, *ante*, may furnish a clew to the reasons for the failure of this bill.

*Chap. 24.*—"June 25 1743. In the House of Representatives; Forasmuch as the appropriation for Grants in the Act for Supply of the Treasury is near exhausted

It is therefore Ordered that the Treasurer give publick notice that no Certificate from the Select Men of any Town in the Province for any Blackbirds, Crows, Waterrats Grey or Ground Squirrels that shall be killed after the first day of August next, will be received or paid until the further Order of this Court. In council; Read and Concur'd"—*Ibid., vol. XVII., b. 4, p. 117.*

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ACTS,  
PASSED 1741-42.

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# ACTS

PASSED AT THE SESSION BEGUN AND HELD AT BOSTON,  
ON THE EIGHTH DAY OF JULY, A.D. 1741.

## CHAPTER 1.

AN ACT TO PREVENT UNNECESSARY PETITIONS TO THE GREAT AND  
GENERAL COURT.

WHEREAS, persons are frequently put to great cost and charge in making answer to causeless petitions preferred to the general court of this province; for remedy whereof,—

Preamble.  
1735-36, chap. 20.

*Be it enacted by His Excellency the Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

[SECT. 1.] That, for the future, when any petition or complaint exhibited to the general court shall be dismissed as vexatious or causeless, and the same be expressed in the vote of dismissal, the respondent or adverse party shall be intitled to have and receive of the petitioner or complainant all such reasonable costs and damages as he or they have sustained in attending or making answer to such petition or complaint.

Upon the dismissal of vexatious petitions, &c., the adverse party to recover damages.

*And be it further enacted by the authority aforesaid,*

[SECT. 2.] That no petition shall be received into the court, except the same be preferred within the space of fourteen days from the first sitting of said court, unless the cause upon which the petition is founded arose within the sitting of said court.

No petition to be received after fourteen days from the court's first sitting, unless, &c.

[SECT. 3.] This act to continue and be in force for the space of seven years from the publication thereof, and from thence to the end of the next session of the general court, and no longer. [*Passed August 8; published August 10.*]

Limitation.

## CHAPTER 2.

AN ACT TO ENABLE PROPRIETORS IN COMMON AND UNDIVIDED LANDS  
TO CHUSE TREASURERS FOR THEIR RESPECTIVE PROPRIETIES AS  
OCCASION MAY REQUIRE.

*Be it enacted by His Excellency the Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

That it shall and may be lawful[1] for the proprietors of any common and undivided lands, or the major part in interest of them that are present at any of their lawful[1] meetings, whenever occasion shall require, to chuse some suitable person for their treasurer, who shall be sworn

1737, chap. 9.  
Proprietors of common lands impowered to chuse treasurers.

Treasurer's  
power.

before a justice of the peace to the faithful<sup>[1]</sup> discharge of his trust; and such treasurer is hereby impowered to demand, sue for, recover and receive all such sums of money, debts and dues as shall at any time belong to the said proprietors, or be anyways due or coming to them, and make payment thereof again to such persons, and for such uses, as he shall be lawfully ordered and directed from the proprietors; and of all this render his reasonable account, on demand; and such treasurer shall continue in his office till the proprietors shall see cause to chuse another. [*Passed August 8.*]

## CHAPTER 3.

AN ACT TO ENABLE PROPRIETORS OF GENERAL [AND] [OR] COMMON  
F[RE]E[HO]LD[ERS] TO RAISE TAXES, &c.

*Be it enacted by His Excellency the Governor, Council and Representatives in General Court assembled, and by the authority of the same,*

Proprietors of  
common fields  
impowered to  
raise taxes;

[SECT. 1.] That, in every town in this province where several allotments of lands are inclosed in one general or common f[RE]E[HO]LD or inclosure, and as such improved, or where all the proprietors of lands shall hereafter see cause to inclose, fence and improve the same in such manner, that, in such case, the proprietors of such general f[RE]E[HO]LDs, respectively, shall be and are hereby fully authorized and impowered, in a proprietors' meeting for that purpose regularly convened, by a major vote of the proprietors then present (the vote to be collected according to the interest of the proprietors), to agree upon and pass one or more votes for the raising and collecting such sum or sums of money, from time to time, as they shall judge necessary, for the carrying on or managing any publick affairs relating to such propertities; and that they be alike impowered to chuse three or five assessors for the assessing and apportioning such sum or sums, so agreed on and voted, upon the proprietors of such lands, according to their several interests therein, and to appoint a collector or collectors to gather in and collect the same; which collector or collectors shall be and are hereby fully impowered to levy and collect the sum or sums so set and apportioned for such proprietors to pay, in the same manner as constables of towns within this province are impowered to levy and collect the publick rates or taxes, and to pay in the same to the proprietors or their clerk, who is hereby impowered to grant warrants for the levying and collecting such assessment at such time as shall be by them appointed for the payment thereof, and such clerk shall be accountable to the proprietors therefor; the person or persons so assessing the said proprietors, and the collector or collectors that shall be so appointed for the gathering and collecting the sum or sums so granted and agreed upon by the said proprietors, to be assessed and collected as aforesaid, shall be under oath for the true and faithful<sup>[1]</sup> performance of their services respectively; which oath shall be administered to them as the law provides for swearing town officers.

—and to choose  
assessors and  
collectors.

Proprietors or  
their clerk to  
grant warrants  
for such taxes.

Assessors and  
collectors to be  
under oath.

*Provided, nevertheless,*

Aggrieved pro-  
prietors to have  
liberty of ap-  
pealing.

[SECT. 2.] That any such proprietor, who apprehends himself aggr[EV]ED or over-rated in the making or apportioning such assessment, shall have liberty to apply to the justices of [*the*] general sessions of the peace, in the respective counties where such lands lye, for rel[IEF]; and, in such case, the said justices are hereby fully impowered to grant rel[IEF] accordingly. [*Passed August 8; published August 10.*]

## CHAPTER 4.

AN ACT IN ADDITION TO AN ACT ENTITLED "AN ACT FOR EXPLANATION OF, AND SUPPLEMENT TO, AN ACT REFERRING TO THE POOR."

WHEREAS, there are many children in this province, who live without the bounds of any town, who, by reason of the great poverty of their parents, are likely to be brought up in idleness, ignorance and irreligion; and it often happens that sundry persons, living without the bounds of any town, take no orderly course for a living, to the dishonour of God, the hurt of the publick welfare and their own ruin; for remedy whereof,—

*Be it therefore enacted by His Excellency the Governor, Council and Representatives in General Court assembled, and by the authority of the same,*

[SECT. 1.] That the justices of the general sessions of the peace, in the several counties within this province, be and are hereby fully impowered, from time to time, as they shall find occasion, to appoint three or more sufficient, discreet persons, freeholders in their respective counties, to be overseers of the poor who live within the same and without the bounds of any township; which persons, appointed overseers as aforesaid, shall be and are hereby fully authorized and impowered, from time to time, by and with the assent of two justices of the peace in the same county, to set to work or bind out apprentice, as they shall think convenient, all such children living without the bounds of any township, as aforesaid, whose parents shall, by the said overseers, or the major part of them, be thought unable to maintain them; male children, till they come to the age of twenty-one years, and females, till they come to the age of eighteen years, or time of marriage: which shall be as good and effectual in law, to all intents and purposes, as if any such child were of full age and by indenture or covenant had bound him or herself, or that their parents were consenting thereto: provision by indenture to be made for instructing children so bound out; vizt., males, to read, write and cypher: and females, to read, as they respectively may be capable; and such overseers shall, from time to time, inquire into the usage of children so bound out by themselves or predecessors, and endeavour to defend them from all wrongs and injuries.

*And be it further enacted by the authority aforesaid,*

[SECT. 2.] That the said overseers, or the major part of them, be and are hereby fully impowered, by and with the assent of two justices of the peace, to set to work all such persons, living without the bounds of any township, as aforesaid, whether married or unmarried, able of body, having no means to maintain them, that live idly, and use or exercise no ordinary and daily lawful trade or business to get their living.

[SECT. 3.] This act to continue and be in force for the space of five years, and no longer. [Passed August 8; published August 10.]

## CHAPTER 5.

AN ACT FOR THE BETTER REGULATING PORTERS EMPLOYED WITHIN THE TOWN OF BOSTON.

WHEREAS, the trade and business managed in the town of Boston, between the inhabitants thereof, and others trafficking there, occasions many persons to resort to and attend about the wharves, docks and

Preamble.

1740-41, chap. 20.

Children of the poor, living in no town, to be bound apprentices by overseers appointed by the sessions.

Overseers to set to work the poor living out of any town.

Limitation.

Preamble.

1736-37, chap. 11.

other parts of the town, to convey and carry goods, wares and merchandizes from place to place, some of whom are not so well known as such an employment requires, others of no good character, yet, oft-times, have goods of a considerable value put into their custody for conveyance as aforesaid; and some taking upon them the business of porters, impose upon those making use of them, more especially strangers, by exacting exorbitant wages for their labour, or refusing business, tho' not before employed, if they cannot have their unreasonable demands; therefore, to avoid such inconvenience[ies] for the future,—

*Be it enacted by His Excellency the Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

[SECT. 1.] That the selectmen of the town of Boston, for the time being, shall have full power and authority to order what number, and who shall be employed, and take upon them the business of carrying goods, wares and merchandizes, for pay or wages, as common porters within the said town; and what rate or price such persons shall ask, receive and take for their labour, service and attendance, according to the distance of place or other circumstances, the selectmen shall order and ascertain; all which persons, so admitted by the selectmen, shall at all times, when in the service or doing the business of porters, wear a badge or ticket, with the figure of a pine-tree marked thereon, on some part of his upper garment or girdle; which badge or ticket shall be numbered, and a fair entry of each porter's ticket made in the selectmen's book, as also the wages they are to ask and receive, within ten days after the approbation of the selectmen as aforesaid.

*And be it further enacted by the authority aforesaid,*

[SECT. 2.] That whosoever shall presume to take up the business and employ of a common porter, and convey or carry goods and merchandize from place to place within the town of Boston, for hire or wages, without being admitted by the selectmen as aforesaid, shall forfeit and pay the sum of twenty shillings for every time he shall be convicted thereof before any one of his majesty's justices of the peace within the county of Suffolk, at Boston aforesaid; the one half of which fine or forfeiture shall be disposed of to and for the use of the poor of the town of Boston, the other half to him or them that shall inform and sue for the same.

*And be it further enacted,*

[SECT. 3.] That whosoever, being admitted as a porter, as aforesaid, shall ask, take and receive any more than what the selectmen shall allow for any work or service, shall, for every such exaction, forfeit and pay the sum of twenty shillings, to be recovered and disposed of as by this act is already directed; and if any person, admitted and approved of as aforesaid, as a common porter, shall officiate or concern himself in the business of transporting goods or merchandize, not having his badge or ticket, shall, for every such breach of this act, forfeit and pay the sum of twenty shillings, to be recovered and disposed of as aforesaid.

*Be it further enacted,*

[SECT. 4.] That the selectmen shall require and take bond of each one of the porters, admitted as aforesaid, with sufficient surety, in a sum not exceeding fifty pounds, for their orderly and faithful[ly] acting in the business, more especially their safe conveying and delivering such goods as shall be committed to them; and that, upon complaint made to the selectmen, that any whom they may have admitted as aforesaid do not behave and conduct themselves orderly, peaceably and quietly towards their employers, it being made to appear, the party accused being seasonably notified thereof, such person may be removed, and other meet and orderly persons admitted in his room.

Selectmen of  
Boston to ap-  
point porters,

—who are to  
wear badges,  
numbered.

Selectmen to  
state their  
wages.

Fine for serving  
as porter with-  
out licence.

Penalty for por-  
ters asking more  
for their work  
than allowed by  
the selectmen.

Penalty for  
officiating with-  
out their badge.

Selectmen to  
take security  
for the porters'  
fidelity.

Disorderly por-  
ters to be re-  
moved.

*Provided,*

[SECT. 5.] This act be in force and so continue for the space of <sup>Limitation.</sup> seven years from the publication thereof, and no longer. [*Passed August 8; published August 10.*]

## CHAPTER 6.

### AN ACT FOR THE REL[E]I[E]F OF POOR PRISONERS FOR DEBT.

*Be it enacted by His Excellency the Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

[SECT. 1.] That, when any person standing committed for debt or damages, shall complain that he or she hath not estate sufficient to support him or herself in prison, the goaler or keeper of such prison shall, at the request of such prisoner, apply to two justices of the peace within the county, *quorum unus*; who shall thereupon make out a notification under their hands and seals, to be served on the creditor or creditors of such prisoner, if he, she or they live within this province, his or her executor, administrator, agent or attorney, by reading the same to them, or by leaving an attested copy thereof at the place of his, her or their usual abode; or, if out of the province, then to be left at the place of the usual abode of such creditor, or creditors' agent or attorney, if any he, she or they have, thereby signifying, to him, her or them, such prisoner's desire of taking the privilege and benefit allowed in and by this act, and of the time and place appointed for the intended caption of his or her oath; which notification shall be served, at least forty days before the caption, and so certified to the justices, that so he, she or they may be present, if they see cause; and, in case any creditor lives without this province, and hath no agent or attorney in it, the justices shall cause a notification to be left with the clerk of the court out of which the execution issued, and shall allow double the time before mentioned; and such justices are hereby empowered to administer to the debtor, if they think proper so to do, after they have fully examined and heard the parties, the following oath; vizt.,—

Proceedings upon the prisoner's desire of a release.  
1757-58, chap. 17.  
1758-59, chap. 10.

I, A. B., do, upon my oath, solemnly profess and declare before Almighty God, that I have not any estate, real or personal, in possession, reversion or remainder, sufficient to support myself in prison, or to pay prison charges; and that I have not since the commencing of this suit upon me, nor at any other time, directly or indirectly, sold, leased or otherwise conveyed or disposed of to, or intrusted any person or persons whomsoever with, all or any part of the estate, real or personal, whereof I have been the lawful[1] owner or possessor, with any intent or design to secure the same, or to receive or expect any prof[it] it or advantage therefrom, or done, caused or suffered to be done anything else whatsoever, whereby any of my creditors may be defrauded.

Prisoner's oath.

—which oath being taken by such prisoner, and certificate thereof made under the hands and seals of the justices administering the same, to the goaler or keeper, he shall thereupon set such prisoner at liberty, unless the creditor or creditors, agent or attorney, notified as aforesaid, his, her or their executor or administrator, shall give security, to the goaler or keeper, for the payment of eight shillings per week for and towards the support of such prisoner while he or she shall be detained in prison, and the goaler or keeper shall detain and keep in close custody such

Prisoner to be discharged, or maintained by the creditor, in case.



prisoner so long as said sum shall be paid, but, upon failure of payment thereof, shall set him or her at liberty.

Jailer's forfeiture in refusing to discharge.

[SECT. 2.] And, in case the goaler shall refuse or delay to discharge any prisoner who has complied with this act, he shall forfeit and pay to the prisoner the full sum for which he stands committed, to be recovered by action of debt in any court proper to try the same.

*And be it further enacted by the authority aforesaid,*

Penalty for a false oath.

[SECT. 3.] That, if any such prisoner, as aforesaid, shall be convicted of having sold, leased or otherwise conveyed or disposed of, or intrusted his or her estate, or any part thereof, directly or indirectly, contrary to his foregoing oath, he shall not only be liable to the pains and penalties mentioned in the act for punishing of wilful[1] perjury, but shall receive no benefit from his oath; or, in case such prisoner at the time of the intended caption, shall not take the aforesaid oath, or be not admitted thereto by the justices, he or she shall be remanded back to the goal, and shall not be intitled to the benefit of this act.

The prisoner's estate liable to execution notwithstanding his discharge upon oath.

[SECT. 4.] And all and every judgment obtained against such prisoner, shall, notwithstanding such discharge as aforesaid, be and remain good and effectual in law, to all intents and purposes, against any estate, whatsoever, which may then or at any time afterwards belong to him or her; and the creditor or creditors, agent or attorney, his, her or their executors or administrators, may take out a new execution against the lands, tenements, hereditaments, goods and chattels of such prisoner (his or her wearing apparel, bedding for him and his or her family, and tools necessary for his or her trade or occupation only excepted) for the satisfaction of the debt, in such sort and manner as might have been done in case such prisoner had never been taken in execution; and the charge, if any there be, that the creditor has been at for such prisoner's weekly support as aforesaid (upon oath being first made thereto before the clerk of the court out of which the execution issues, who is hereby impowered to administer the same), shall be added thereto; and if any debtor shall be aggr[e]i[e]ved at any such additional charge, the creditor shall forfeit and pay to the debtor fourfold the sum unjustly charged and levied upon him for such support, to be recovered in any court proper for the trial thereof.

Apparel, bedding and tools excepted.

Charges of supporting the prisoner to be added.

Remedy in case of a false charge.

*Provided, nevertheless,—*

*And it is hereby declared,*

Upon what execution the prisoner taking the oath is to be discharged.

[SECT. 5.] That such prisoner, as aforesaid, shall only be discharged from the execution or executions whereon such process, as is before-mentioned, has been had, and not from any other whereon he or she may be committed, until[1] the oath and directions before prescribed be taken and attended; nor shall any person, who, after receiving the benefit of this act shall be again committed upon any new execution as aforesaid, receive any further advantage by this act; nor shall this act be construed to extend to any person in custody for any fine imposed on him or her.

Limitation.

[SECT. 6.] This act shall continue and be in force for the space of three years from the publication thereof, and to the end of the next sitting of the general court, and no longer. [*Passed August 8; published August 10.*]

# ACTS

PASSED AT THE SESSION BEGUN AND HELD AT BOSTON,  
ON THE SIXTEENTH DAY OF SEPTEMBER, A.D. 1741.

## CHAPTER 7.

AN ACT IN FURTHER ADDITION TO THE SEVERAL ACTS FOR THE  
[BETTER] OBSERVATION AND KEEPING OF THE LORD'S DAY.

*Be it enacted by His Excellency the Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

[SECT. 1.] That, from and after the publication of this act, when any person or persons that shall be found by any one or more of his majesty's justices of the peace loitering, or idly spending his, her or their time, or unnecessarily assembled or assembling themselves in any of the streets, lanes, highways or commons in any town or place within this province, on the Lord's Day or any part of it, and being ordered by such justice or justices to disperse or retire to his, her or their respective lodgings, or repair to the publick worship, shall refuse or neglect so to do, such justice or justices shall bind over such offender or offenders to appear at the next court of general sessions of the peace for the county where the offence shall be committed, to answer therefor: and to bind over such persons as shall be then present, or a sufficient number of them, to give evidence concerning the same; and shall make a record thereof, and deliver or transmit such record to his majesty's justices at their next general sessions of the peace for such county, who shall thereupon direct his majesty's attorney-general, or, in his absence, such other suitable person as they shall appoint, forthwith to file an information against such offender or offenders; who, being convicted of the aforesaid offence, either by verdict or confession in court, shall, for his, her or their first offence, forfeit and pay, for the use of the poor of such place where the offence shall be committed, twenty shillings, with costs of prosecution, and stand committed until [1] payment thereof; and, for his, her or their second and every other the like offence, the sum of forty shillings, for the use aforesaid, with costs of prosecution, and give sufficient security for his, her or their good behaviour till the next court of general sessions of the peace, and stand committed till the same shall be performed.

Persons offending against this act to be bound over to the court of general sessions of the peace.

1692-3, chap. 22.  
1693, chap. 9.  
1693-4, chap. 20, § 5.  
1698, chap. 10, § 4.  
1711-12, chap. 6, § 24, *et seq.*  
1716-17, chap. 13.  
1727-8, chap. 5.  
13 Mass., 33.

Penalty upon conviction.

Penalty upon a second offence, &c.

Proviso.

*Provided, always,*

[SECT. 2.] That it shall and may be lawful [1], for any person or persons convicted as aforesaid, to appeal to the court of assize then next to be held in and for such county, the appellant or appellants recognizing with sufficient sureties to prosecute such appeal there with effect, as the law directs. [*Passed October 14; published October 19.*]

## CHAPTER 8.

AN ACT FOR GRANTING THE SUM OF ONE HUNDRED AND EIGHTY-TWO POUNDS TO THE HONOURABLE JONATHAN BELCHER, Esqr., LATE GOVERNOR OF THIS PROVINCE.

*Be it enacted by His Excellency the Governor, Council and Representatives in General Court assembled, and by the authority of the same,*

£182 granted to  
the late gov-  
ernor.

[SECT. 1.] That the sum of one hundred and eighty-two pounds, be and hereby is granted unto his most excellent majesty, to be paid out of the publick treasury to the honourable Jonathan Belcher, Esqr., late governor of the province of the Massachusetts Bay, in full consideration for his services in his late administration of government.

*And be it further enacted by the authority aforesaid,*

Out of what  
money to be  
paid.

[SECT. 2.] That the aforesaid sum of one hundred and eighty-two pounds, shall be paid out of the thirty-six thousand pounds ordered to be emitted by the bill for the supply of the treasury, now before this court, out of the appropriation therein made for that purpose, or, equivalent thereto, in such monies as shall be raised and put into the treasury by the next act that shall be made for the supply of the same. [*Passed October 14 ; published October 19.*]

## CHAPTER 9.

AN ACT FOR ENQUIRY INTO THE RATEABLE ESTATE OF THIS PROVINCE.

Preamble.  
1734-35, chap. 14.

WHEREAS, there may be considerable alteration in the rateable estate of this province since the last enquiry thereinto by order of this court,—

*Be it therefore enacted by His Excellency the Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

A new valua-  
tion to be taken  
of polls and  
rateable estates  
by the assessors.

[SECT. 1.] That the assessors of the several towns within this province, that were chosen the present year, shall, under oath, at or before the first day of December next, take a true and faithful [1] list or account, according to their best skill and understanding, of all male polls, from sixteen years old and upwards, being inhabitants of each respective town, whether at home or abroad, and none to be exempted through age, poverty or otherwise, and likewise of all rateable estates within the bounds of each town, both real and personal, and to whom the same belongs (including all Indian, negro and molatto servants, as well for term of years as for life), together with all farms and other lands lying adjacent therunto, with the inhabitants thereon, except the governour or commander-in-ch[e]i[f], the lieutenant-governour and their families, the president, fellows and students of Harvard Colle[d]ge, settled ministers and grammar-school masters, who are hereby exempted as well for their polls as for their estates, being in their hands and under their actual management and improvement. And the said assessors are directed and required, in taking the said lists or accounts, to conform themselves to lists or forms printed for that purpose. And the said assessors are also directed and required to transmit the said lists or accounts so taken, together with a certificate that they have taken the oath hereafter prescribed, into the secretary's office in this province, at or before the twenty-second day of December next ensuing ; which said oath shall be administred to the said assessors by a justice of the

peace, or town clerk where there is no justice, who are respectively empowered to administer the same accordingly; which said oath shall be in the form following; vizt.,—

You, A. B. C., being chosen assessors for the town of D., for this present year, do severally swear that you will truly and faithfully do and perform the whole business and duty of an assessor, in taking the valuation and list of polls and estates in your town, according to the directions of this act. So help you God. Assessors' oath.

—for which said service the said assessors shall have reasonable allowance by their respective towns.

[SECT. 2.] And if any person shall neglect or refuse to give in a list of his rateable estate and polls, being thereto by any of the assessors demanded, or, in giving such list, shall wilfully withhold and keep back any part of his polls or rateable estate lying within his town, and being thereof convict, shall forfeit and pay the sum of three pounds: two third parts thereof to his majesty, for and towards the support of this government, and the other third to him or them that shall inform and sue for the same in any of his majesty's courts of record within this province: *provided*, the suit be commenced in six months after the taking such list. Penalty for such persons as give not a true list of polls and estates.

*And be it further enacted by the authority aforesaid,*

[SECT. 3.] That the assessors of each of the towns, as aforesaid, or such of them as are living, for the year one thousand seven hundred and forty, are also hereby required to transmit, to the said secretary's office, by the said twenty-second day of December next, under oath, true and perfect copies of the province rates or taxes of their respective towns for the said year, as committed to the several constables or collectors to collect, with a certificate under the hand of a justice of the peace, or town clerk where there is no justice, that the said assessors of the town of A., for the year one thousand seven hundred and forty, had taken the oath following; vizt.,— Copies of every town's tax for the year 1740, to be sent to the secretary's office.

You, E. F., do swear that this list is a true copy of the province rate or tax in your town, by you made, for the year one thousand seven hundred and forty, as committed to the constables or collectors of your town. So help you God. Assessors' oaths as to said tax.

—which oath the said justice or town clerk are respectively impow[er]ed to administer to the said assessors accordingly.

*And be it further enacted by the authority aforesaid,*

[SECT. 4.] That, if any town within this province (saving the towns of Boston, Salem and Marblehead, who have usually doomed their inhabitants) shall neglect or refuse to send in a list of valuation in manner as aforesaid, each and every town so offending, shall forfeit and pay to his majesty, for and towards the support of this government, a sum equal to one-fifth part of such town's province tax of the year one thousand seven hundred and forty, and shall be laid as an additional sum to their proportion of the province tax in the year one thousand seven hundred and forty-two, or on the tax next following this, of one thousand seven hundred and forty-one: and the treasurer's warrants for assessing, collecting and paying in the said sum shall be issued out accordingly. Penalty on the towns, saving Boston, Salem, and Marblehead, that shall not conform to this act.

*And be it further enacted by the authority aforesaid,*

[SECT. 5.] That, if any of the said assessors shall neglect or fail in any part of their duty directed to in this act, each of them so neglecting or failing, shall forfeit and pay the sum of five pounds; the one half thereof to his majesty, for and towards the support of this government, the other half to him or them that shall inform and sue for the same, in any of his majesty's courts of record within this province, by bill, plaint or information. Penalty to the assessors upon neglect.

Towns to have  
their remedy on  
delinquent as-  
sessors.

*Provided,*

[SECT. 6.] That, if any town, by neglect of their assessors, in not giving in a list in manner as aforesaid, shall forfeit and pay any sum or sums of money, as aforesaid, then, and in such case, they may have their action or actions for remedy against the assessors so neglecting, respectively, their heirs, executors or administrators, for the recovery of such sum or sums so forfeited and paid, in equal proportions on each of such neglecting assessors, their heirs, executors or administrators, by action of debt to be brought in twelve months after the paying the forfeiture aforesaid. [*Passed October 14; published October 19.*]

## CHAPTER 10.

AN ACT FOR GRANTING A SUM FOR THE PAY OF THE MEMBERS OF THE COUNCIL AND HOUSE OF REPRESENTATIVES IN GENERAL COURT ASSEMBLED, AND FOR ESTABLISHING THE WAGES, &c., OF SUNDEY PERSONS IN THE SERVICE OF THE PROVINCE.

*Be it enacted by His Excellency the Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

Councillors' pay  
for attendance  
in the general  
court.

[SECT. 1.] That, from the beginning of the last session of the general court, in the last year, unto the end of the several sessions of the court, until [1] May next, each member of the council shall be entitled to three shillings *per diem*, to be paid out of the publick treasury, by warrant, according to the direction of the royal charter, upon certificate, given by the secretary, of the number of days of such member's attendance, and travel to and from the court; twenty miles to be accounted a day's travel.

Representa-  
tives' pay.

*And be it further enacted by the authority aforesaid,*

[SECT. 2.] That each member of the house of representatives serving the last session of the general court, last year, and the representatives serving this year, shall be paid two shillings *per diem*, upon certificate given, by the clerk of the house of representatives, of the number of days of such member's attendance, and travel to and from the court; twenty miles to be accounted a day's travel.

Wages of the  
garrison at  
Castle William.

*And be it further enacted by the authority aforesaid,*

[SECT. 3.] That the wages of the captain of Castle William shall be after the rate of thirty-eight pounds per annum, from the twenty-first day of November, one thousand seven hundred and forty, to the twenty-first day of May, one thousand seven hundred forty-two; of the lieutenant, for that term, twenty-two pounds fifteen shillings per annum; of the chaplain, nineteen pounds ten shillings per annum; of the gunner, eighteen pounds five shillings per annum; of the gunner's mate, twenty-two shillings per month; of two [*serjeants*], [*seargeants*] each fourteen shillings per month; of six quarter-gunners, each fourteen shillings and sixpence per month; of three corporals, each fourteen shillings per month; of two drummers, each fourteen shillings per month; of forty-three centinels, each eleven shillings per month: for their subsist[er] [a]nce, three shillings and [three] [*six*] pence per week, each man.

Richmond Fort.

*And be it further enacted by the authority aforesaid,*

[SECT. 4.] That the wages of the captain of Richmond Fort, from November the twenty-first, one thousand seven hundred and forty, to the twentieth [*day*] of May, one thousand seven hundred and forty-two, shall be at the rate of fourteen shillings and ninepence per month;



and of ten centinels, each seven shillings and fourpence per month; of one interpreter, one pound two shillings per month; of one armourer, one pound two shillings per month; and for the chaplain there, eighteen pounds five shillings per annum.

*And be it further enacted by the authority aforesaid,*

[SECT. 5.] That the wages of the captain of the truck-house on George's River, from November the twenty-first, one thousand seven hundred and forty, to the twentieth of May, one thousand seven hundred and forty-two, shall be at the rate of fourteen shillings and ninepence per month; of one lieutenant, nine shillings and ninepence per month; of one [serjeant], [sargeant] nine shillings and ninepence per month; of two corporals, each eight shillings and ninepence per month; of thirteen centinels, each seven shillings and fourpence per month; of one armourer, one pound two shillings per month; of one interpreter, one pound two shillings per month; and to the chaplain there, after the rate of eighteen pounds five shillings per annum.

Truck-house at  
George's River.

*And be it further enacted by the authority aforesaid,*

[SECT. 6.] That the wages of the commanding officer of the fort at Brunswick, from November the twenty-first, one thousand seven hundred and forty, to the twentieth of May, one thousand seven hundred and forty-two, shall be fourteen shillings and ninepence per month; of six centinels, each seven shillings and fourpence per month.

Brunswick Fort.

*And be it further enacted by the authority aforesaid,*

[SECT. 7.] That the wages of the captain of the truck-house above Northfield, from November the twenty-first, one thousand seven hundred and forty, to the twentieth of May, one thousand seven hundred and forty-two, shall be at the rate of fourteen shillings and ninepence per month; of one lieutenant, nine shillings and ninepence per month; of one ser[j][g]eant, nine shillings and ninepence per month; of one corporal, eight shillings and ninepence per month; of sixteen centinels, each seven shillings and fourpence per month; of one interpreter, one pound two shillings per month; of the chaplain there, at the rate of eighteen pounds five shillings per annum; and that there be allowed for the subsistence of each man, one shilling and tenpence per week.

Truck-house  
above North-  
field.

*And be it further enacted by the authority aforesaid,*

[SECT. 8.] That the wages of the captain of the truck-house at Saco, from November the twenty-first, one thousand seven hundred and forty, to the twentieth of May, one thousand seven hundred and forty-two, shall be at the rate of fourteen shillings and ninepence per month; of one lieutenant, nine shillings and ninepence per month; of one corporal, eight shillings and ninepence per month; of thirteen centinels, each seven shillings and fourpence per month; of one armourer, one pound two shillings per month; of one interpreter, one pound two shillings per month.

Truck-house at  
Saco River.

*And be it further enacted by the authority aforesaid,*

[SECT. 9.] That the wages of the commanding officer of Frederick Fort, from the twenty-first day of November, one thousand seven hundred and forty, to the twentieth of May, one thousand seven hundred and forty-two, shall be at the rate of nine shillings and ninepence per month; of six centinels, each seven shillings and fourpence per month.

Frederick Fort.

*And be it further enacted by the authority aforesaid,*

[SECT. 10.] That the wages of the captain of the sloop in the country's service, from the twenty-first of November, one thousand seven hundred and forty, to the twentieth of May, one thousand seven hundred and forty-two, shall be at the rate of one pound two shillings per month; of the mate, fourteen shillings and ninepence per month; of the sailors, at eleven shillings per month; for the sloop, three pounds thirteen shillings per month.

Country's sloop.

*And be it further enacted by the authority aforesaid,*

Province snow.

[SECT. 11.] That the wages of the captain of the province snow, from the twenty-first day of November, one thousand seven hundred and forty, to the twentieth day of May, one thousand seven hundred and forty-two, shall be at the rate of three pounds thirteen shillings per month; the lieutenant, two pounds eleven shillings and fourpence per month; the master, two pounds four shillings per month; the doctor, two pounds four shillings per month; the chaplain, two pounds four shillings per month; the gunner, one pound sixteen shillings and sixpence per month; the boatswain, one pound thirteen shillings per month; the mate, one pound nine shillings and sixpence per month; the steward, one pound five shillings and ninepence per month; the cook, one pound five shillings and ninepence per month; the gunner's mate, one pound five shillings and ninepence per month; the pilot, one pound sixteen shillings and sixpence per month; the boatswain's mate, one pound five shillings and ninepence per month; the carpenter, one pound thirteen shillings per month; the cooper, one pound five shillings and ninepence per month; the armourer, one pound five shillings and ninepence per month; the cox[s]wain, one pound five shillings and sixpence per month; two quartermasters, one pound five shillings and sixpence per month, each; the carpenter's mate, one pound five shillings and sixpence per month; seventy sailors or foremast-men, one pound two shillings per month, each.

*And be it further enacted by the authority aforesaid,*

Oath to be made to the muster-roll.

[SECT. 12.] That, before payment of any muster-roll be allowed, oath be made by the officer or person presenting such roll, that the officers and soldiers born on said roll have been in actual service for the whole time they stand entered thereon.

*And be it further enacted by the authority aforesaid,*

Grants and wages aforesaid to be paid out of the supply bill now before this court, or equivalent.

[SECT. 13.] That, the several grants and wages made and established in this act, shall be paid out of the thirty-six thousand pounds, ordered to be emitted by the bill for the supply of the treasury, now before this court, out of the respective appropriations therein made for that purpose, or, equivalent thereto, in such monies as shall be raised and put into the treasury by the next act that shall be made for the supply of the same. [*Passed October 14; published October 19.*]

# ACTS

PASSED AT THE SESSION BEGUN AND HELD AT BOSTON,  
ON THE TWENTY-FIFTH DAY OF NOVEMBER,  
A.D. 1741.

## CHAPTER 11.

AN ACT FOR SUPPLYING THE TREASURY WITH THE SUM OF THIRTY THOUSAND POUNDS, IN BILLS OF CREDIT, FOR DISCHARGING THE PUBLIC DEBTS, &ca., FOR APPROPRIATING THE SAME, AND DRAWING THEM, AND, ALSO, THE BILLS ALREADY EXTANT, AGAIN INTO THE TREASURY.

*Be it enacted by His Excellency the Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

[SECT. 1.] That there be forthwith imprinted a certain number of bills of credit, on this province, of the following denominations: vizt., of the first plate, forty shillings, thirty shillings, twenty shillings, fifteen shillings; of the second plate, ten shillings, five shillings, four shillings, three shillings; of the third plate, two shillings, one shilling, eightpence, sixpence, fourpence and twopence; which, in the whole, shall amount to the sum of thirty thousand pounds, and no more: which bills shall be signed by a committee to be appointed by this court, and shall be stamped with such stamps as the governour and council shall project and direct to, and shall be of the following form: vizt.,—

No. ( )

TWENTY SHILLINGS.

THIS bill of twenty shillings, due to the possessor thereof, from the province of Massachusetts Bay, shall be equal to three ounces of coined silver, Troy weight, of sterling alloy, or gold coin, at the rate of four pounds eighteen shillings per ounce; and shall be so accepted in all payments, and in the treasury. Boston, 1741. By order of the general court or assembly,

} Committee.

—and so, *mutatis mutandis*, for a greater or less sum.

*And be it further enacted by the authority aforesaid,*

[SECT. 2.] That any debt of four shillings, heretofore contracted, may be discharged by one shilling of the bills hereby to be emitted—specialties and express contracts in writing excepted; and so, *pro rata*, for a greater or less sum.

One shilling in these bills to answer four of the old tenor.

[SECT. 3.] And the committee are hereby directed and impowered, to take care and make effectual provision, so soon as may be, to imprint the said bills, to the aforesaid sum of thirty thousand pounds, and to sign and deliver the said sum to the treasurer, taking his receipt for the same.

*And be it further enacted,*

Appropriations  
of this emission.

[SECT. 4.] That the treasurer be and hereby is impowered to issue forth and emit the [said] sum of thirty thousand pounds, for the necessary support and defence of the government, and the protection and preservation of the inhabitant thereof; vizt.,—

£2,500 for the  
governor, late  
governor, and  
the council.

[SECT. 5.] The sum of two thousand five hundred pounds, part of the aforesaid sum of thirty thousand pounds, shall be applied for the payment of the grants made to his excellency, William Shirley, Esqr., captain-general and governor-in-chief in and over his majesty's province of the Massachuset[t]s Bay, and to the late Governour Belcher, and to pay the members of his majesty's council.

£5,000 for the  
troops raised for  
the service  
in the West  
Indies.

[SECT. 6.] The sum of five thousand pounds, part of the aforesaid sum of thirty thousand pounds, shall be applied for the payment of the transports, and the wages of the seamen, which have been already employed by this government in his majesty's service, and, also, for the further encouragement of his majesty's important expedition in the West Indies, pursuant to such grants as this court have made or shall hereafter make for that purpose.

£6,500 for re-  
pairing forts  
and garrisons,  
&c.

[SECT. 7.] The sum of five thousand five hundred pounds, part of the aforesaid sum of thirty thousand pounds, shall be applied for purchasing all needful[ly] warlike stores, also the repairing of the several forts and garrisons, and the further put[ting] the province into a proper posture of defence, pursuant to such grants as this court have made or shall hereafter make for that purpose.

£7,200 for wages  
of officers, sol-  
diers and sea-  
men, and the  
treasurer's dis-  
bursements.

[SECT. 8.] The sum of seven thousand two hundred pounds, part of the aforesaid sum of thirty thousand pounds, to be applied to pay the wages that now are, or that hereafter may be due, by virtue of the establishment of Castle William, Richmond Fort, George's Truck-House, Saco Truck-House, Brunswick Fort, the block-house above Northfield, the sloop in the countr[y]'s service, and the province snow, and the treasurer's usual disbursements.

£4,500 for  
grants, &c.

[SECT. 9.] The sum of four thousand three hundred pounds, part of the [a]foresaid sum of thirty thousand pounds, shall be applied for the payment of such other grants as are or shall be made by this court, and for the payment of stipends, bounties [and] premiums established by law, and for the payment of all other matters and things which this court have or shall, either by law or orders, provide for the payment of, out of the publick treasury, and for no other purpose whatsoever.

£1,500 for debts  
where is no es-  
tablishment.

[SECT. 10.] The sum of fifteen hundred pounds, part of the aforesaid sum of thirty thousand pounds, shall be applied for the discharge of other debts owing from this province to persons who have served or shall serve them, by order of this court, in such matters and things where there is no establishment, nor any certain sum assigned for such service; and for paper, printing and writing for this court, the expences of committees of council, or of the house, or of both houses, entertainment of Indians, and presents made them by this court, the surgeon of Castle William, and wooding of said castle.

£2,500 for the  
representatives.

[SECT. 11.] And the sum of twenty-five hundred pounds, part of the aforesaid sum of thirty thousand pounds, shall be applied to the payment of the members of the house of representatives serving in the general court the last session of the general court in the last year, and the several sessions during this year, and until May next.

*And whereas* there are sometimes publick entertainments, and, from time to time, contingent and unforeseen charges that demand prompt payment,—

*Be it further enacted,*

£500 for contin-  
gent charges.

[SECT. 12.] That the sum of five hundred pounds, the remaining part of the aforesaid sum of thirty thousand pounds, be applied to defrey

and pay such entertainments and contingent charges, and for no other use whatsoever.

*And be it enacted,*

[SECT. 13.] That, if there be a surplusage in any sum appropriated, such surplusage shall l[i]e in the treasury; for the further order of this court.

Surplusage to lie in the treasury.

*And be it further enacted by the authority aforesaid,*

[SECT. 14.] That each and every warrant for drawing money out of the treasury, shall direct the treasurer to take the same out of such sums as are respectively appropriated for the payment of such publick debts as the draughts are made to discharge; and the treasurer is hereby directed and ordered to pay such money out of such appropriations, as directed to, and no other, upon pain of refunding all such sum or sums as he shall otherwise pay, and to keep exact and distinct accompts of all payments made out of such appropriated sums; and that the secretary, to whom it belongs to keep the muster-rolls and accompt of charge, shall lay before the house, when they shall direct, all such muster-rolls and accompts, after payment thereof.

Warrants to express the appropriations.

And, as a fund and security for drawing the said sum of thirty thousand pounds into the treasury again,—

*Be it enacted by the authority aforesaid,*

[SECT. 15.] That there be, and hereby is, granted unto his most excellent majesty, for the ends and uses aforesaid, a tax of seven thousand five hundred pounds, to be levied on poll[s], and estates both real and personal, within this province, according to such rules, and in such proportions on the several towns and districts within the same, as shall be agreed upon and ordered by this court, at their session in May, one thousand seven hundred and forty-two, and paid into the treasury on or before the last day of December then next after.

£7,500 to be brought in, in the year 1742.

And, as a further fund and security for drawing the remaining part of the s[ai]d sum of thirty thousand pounds into the treasury again,—

*Be it enacted by the authority aforesaid,*

[SECT. 16.] That there be, and hereby is, granted [upon] [unto] his most excellent majesty, for the ends and uses aforesaid, a tax of six thousand six hundred and sixty-six pounds thirteen shillings and fourpence, to be levied on polls, and estates both real and personal, within this province, according to such rules, and in such proportion on the several towns and districts within the same, as shall be agreed upon and ordered by this court, at their session in May, one thousand seven hundred and forty-four, and paid into the publick treasury on or before the last day of December then next after.

£6,666 13s. 4d., in 1744.

And, as a further fund and security for drawing the remaining part of the said sum of thirty thousand pounds into the treasury again,—

*Be it enacted by the authority aforesaid,*

[SECT. 17.] That there be, and hereby is, granted unto his most excellent majesty, for the ends and uses aforesaid, a tax of six thousand six hundred sixty-six pounds thirteen shillings and fourpence, to be levied on polls, and estates both real and personal, within this province, according to such rules, and in such proportion on the several towns and districts within the same, as shall be agreed upon and ordered by the great and general court or assembly, at their session in May, one thousand seven hundred and forty-five, and paid into the publick treasury on or before the last day of December then next after.

£6,666 13s. 4d., in 1745.

And, as a further fund and security for drawing the remaining part of the said sum of thirty thousand pounds into the treasury again,—

*Be it enacted by the authority aforesaid,*

[SECT. 18.] That there be, and hereby is, granted unto his most excellent majesty, for the ends and uses aforesaid, a tax of six thousand

£6,666 13s. 4d., in 1746.



six hundred sixty-six pounds thirteen shillings and fourpence, to be levied on polls, and estates both real and personal, within this province, according to such rules, and in such proportion on the several towns and districts within the same, as shall be agreed upon and ordered by the great and general court or assembly, at their session in May, one thousand seven hundred and forty-six, and paid into the publick treasury on or before the last day of December then next after.

And, as a fund and security for drawing in such sum or sums as shall be paid out to the representatives in the several towns,—

*Be it enacted by the authority aforesaid,*

Money to be issued for the representatives, to be paid in, in the years 1744, 1745 and 1746, in equal proportions.

[SECT. 19.] That there be, and hereby is, granted to his most excellent majesty, a tax of such sum or sums as shall be paid to the several representatives, as aforesaid, to be levied on the polls and estates of the inhabitants of the several towns, according to what their respective representatives shall receive; which sum shall be set on the said towns, in the respective province taxes, for the years one thousand seven hundred and forty-four, one thousand seven hundred and forty-five and one thousand seven hundred and forty-six, in equal proportion; and the assessors of the said towns shall make their assessment for these taxes, and apportion the same, according to the rules that shall be prescribed by the acts of the general assembly for assessing the province taxes for the years one thousand seven hundred and forty-four, one thousand seven hundred and forty-five, and one thousand seven hundred and forty-six; and the constables or collectors, in their respective districts, shall pay in the same when they pay the taxes for the years one thousand seven hundred and forty-four, one thousand seven hundred and forty-five and one thousand seven hundred and forty-six, of which the treasurer is hereby required and directed to keep a distinct and separate account.

*Be it further enacted,*

The treasurer to issue his warrant for levying the money issued in proportion to the last tax.

[SECT. 20.] That, in case the general court shall not, at their respective sessions in May, one thousand seven hundred and forty-four, one thousand seven hundred and forty-five and one thousand seven hundred and forty-six, agree and conclude upon an act apportioning the sum of six thousand six hundred sixty-six pounds thirteen shillings and fourpence, which by this act is engaged shall be in each of these several years apportioned, assessed and levied, that each town and district within this province shall pay, by a tax to be levied on the polls, and estates real and personal, within their district, the same part and proportion of the same, as the said towns or districts shall have been taxed by the general court in the tax act then next pre[c]eeding; and the province treasurer is hereby fully impowered and directed, some time in the month of June in each of these years, one thousand seven hundred and forty-four, one thousand seven hundred and forty-five and one thousand seven hundred and forty-six, to issue and send forth his warrants, directed to the selectmen or assessors of each town and district within this province, in manner as aforementioned in this act, requiring them to assess the polls, and estates both real and personal, within their respective towns or districts, for their respective part and proportion of the said sum of six thousand six hundred sixty-six pounds thirteen shillings and fourpence, as before directed by this act; and the assessors, as also persons assess[e]d, shall observe, be governed by and subject to all such rules and directions as shall have been given in the said next pre[c]eeding tax act.

*And be it further enacted by the authority aforesaid,*

Produce and manufactures to be received for taxes.

[SECT. 21.] That the inhabitants of this province shall have liberty, if they see fit, to pay the several sums for which they respectively may, in pursuance of this act, be assess'd, in bills of credit hereby emitted,

according to their several denominations; or in coined silver, at six shillings and eightpence per ounce, Troy weight, and of sterling alloy; or in coined gold, proportionably; or in merchantable hemp, flax, winter and Isle of Sable codfish; refined bar iron, bloomery iron, hollow iron-ware; Indian corn, rye, wheat, barley, pork, beef, duck or canvas, whalebone, cordage, train oyl, bees-wax, bayberry-wax, tallow, pease, sheep's wool, or tann[e]d sole leather (the aforesaid commodities being of the produce or manufactures of this province) at such moderate rates and prices as the respective general assemblies of the years one thousand seven hundred and forty-four, one thousand seven hundred and forty-five and one thousand seven hundred and forty-six, shall set them at: the several persons paying their taxes in any of the commodities aforementioned, to run the risque, and pay the charge of transporting said commodities to the province treasury.

[SECT. 22.] But if the aforesaid general assemblies shall not, at their respective sessions in May, some time before the twentieth day of June, agree upon and set the aforesaid species or commodities at some certain prices, that then the eldest counsellor, for the time being, of each of those count[ies], in the province, of which any one of the council is an inhabitant, together with the province treasurer, or the major part of them, be a committee, who hereby are directed and fully authorized and empowered to do it; and, in their setting of the prices, and rat[e]ing the value of those commodities, to state so much of them, respectively, at six shillings and eightpence, as one ounce of silver will purchase, at that time, in the town of Boston; and so, *pro rata*.

How the prices of things are to be set.

[SECT. 23.] And the treasurer is hereby directed to insert in the several warrants by him sent to the collectors of the taxes in those years respectively (with the names of the afore-recited commodities), the several prices or rates which shall be set on them, either by the general assembly or the committee aforesaid, and direct the aforesaid collectors to receive them so; and the aforesaid commodities, so brought into the treasury, shall, as soon as conveniently may, be disposed of by the treasurer, to the best advantage, for so much as it will fetch in bills of credit hereby to be emitted, or for silver or gold; which silver and gold shall be delivered to the possessor of said bills in exchange for them; that is to say, one ounce of silver coin, and so gold in proportion, for six shillings and eightpence, and, *pro rata*, for a greater or less sum.

[SECT. 24.] And, if any loss shall happen by the sale of the aforesaid species, or by any unforeseen accident, such deficiency shall be made good by a tax of the year next following, so as fully and effectually to call in the whole sum of thirty thousand pounds, in said bills hereby ordered to be emitted; and, if there be a surplusage, it shall remain a stock in the treasury.

And, *forasmuch* as there have been sundry grants and establishments made by this court for sterling money, which grants and establishments were ordered to be paid out of the supply made by this act; therefore.—

*Be it enacted by the authority aforesaid,*

[SECT. 25.] That five shillings and twopence of all the grants and establishments which have been made in sterling money as aforesaid, shall be paid by six shillings and eightpence of the bills hereby emitted; and so a greater or less sum in proportion.

The proportion of grants made in sterling money.

And, *whereas* there are already outstanding, of the province bills of several denominations, equal in value to one hundred thousand one hundred and twenty-five pounds, old tenor, for the drawing in of which there has not, as yet, sufficient provision been made: wherefore, for the more effectual sinking and drawing in the sum of seventy thousand pounds, which, with the sum of thirty thousand one hundred and twenty-

Preamble.

five pounds, which has been and will be fully provided for by the duties of impost, tonnage of shipping and excise, together with income by the lighthouse, will make the forementioned sum of one hundred thousand one hundred and twenty-five pounds,—

*Be it enacted by the authority aforesaid,*

Tax of £20,000  
to be levied in  
the year 1742.

[SECT. 26.] That there be, and is hereby, granted to his most excellent majesty, for the ends aforesaid, a tax of twenty thousand pounds, to be levied on pol[iti]c[e]s, and estates both real and personal, within this province, according to such rules, and in such proportions, on the several towns and districts within the same, as shall be agreed upon and ordered by this court, at their session in May, one thousand seven hundred and forty-two, to be paid into the publick treasury on or before the last day of December next after.

*And be it enacted by the authority aforesaid,*

£50,000 to be  
levied in the  
year 1743.

[SECT. 27.] That there be, and hereby is, granted to his most excellent majesty, for the ends aforesaid, a tax of fifty thousand pounds, to be levied on pol[iti]c[e]s, and estates both real and personal, within this province, according to such rules, and in such proportions on the several towns and districts within the same, as shall be agreed upon and ordered by this court, at their session in May, one thousand seven hundred and forty-three, to be paid into the publick treasury on or before the last day of December next after.

*And be it further enacted by the authority aforesaid,*

Treasurer to is-  
sue his warrants  
in case no act be  
made for appor-  
tioning said  
taxes.

[SECT. 28.] That, in case the general court shall not, at their session in May, one thousand seven hundred and forty-two, agree and conclude upon an act apportioning the sum of twenty thousand pounds, and also the further sum of seven thous[an]d five hundred pounds, new teno[u]r, to be emitted by this act; and, at their session in May, one thousand seven hundred and forty-three, agree and conclude upon an act apportioning the sum of fifty thousand pounds, which by this act is engaged shall be, in each of those respective years, apportioned, assessed and levied, that each town and district within this province shall pay, by a tax to be levied on the pol[iti]c[e]s, and estates real and personal, within their respective districts, the same part and proportion of those respective sums as the said towns or districts shall have been taxed by the general court in the tax act then next preceeding. And the province treasurer is hereby fully impowered and required, some time in the month of June in each of those years, one thousand seven hundred and forty-two, and one thousand seven hundred and forty-three, to issue and send forth his warrants, directed to the selectmen or assessors of each town and district within this province, in manner as aforementioned in this act, requiring them to assess the pol[iti]c[e]s, and estates real and personal, within their respective towns and districts, for their respective part and proportion of the said sums of twenty thousand pounds, seven thousand five hundred pounds, and fifty thousand pounds, as before directed by this act; and the assessors, and all persons assessed, shall observe, be governed by, and subject to all such rules and directions as shall have been given in the said next preceeding tax act.

And, as a fund and security for drawing in such sum or sums as were paid to the representatives for their travel to and from, and their attendance at, the general court in their several sessions, in the years one thousand seven hundred and thirty-nine and one thousand seven hundred and forty,—

*Be it enacted by the authority aforesaid,*

Money granted  
to the repres-  
entatives to be  
levied in the

[SECT. 29.] That there be, and hereby is, granted to his most excellent majesty a tax of such sum or sums as were paid the representatives, as aforesaid, to be levied on pol[iti]c[e]s and estates of the inhab-

itants of the several towns, according to what their respective representatives have so received; which sum shall be set on the said towns, in the respective province taxes for the years one thousand seven hundred and forty-two and one thousand seven hundred and forty-three, in equal proportion; and the assessors of the said towns shall make their assessment for those taxes, and apportion the same, according to the rules that shall be prescribed by the acts of the general assembly for assessing the province taxes for the years one thousand seven hundred and forty-two and one thousand seven hundred and forty-three; and the constables or collectors, in their respective districts, shall pay in the same when they pay the taxes for the years one thousand seven hundred and forty-two and one thousand seven hundred and forty-three. [*Passed January 15; published January 18, 1741-42.*]

years 1742 and 1743.

## CHAPTER 12.

AN ACT TO ASCERTAIN THE VALUE OF MONEY; AND OF THE BILLS OF PUBLIC CREDIT OF THIS PROVINCE, GRANTED THIS PRESENT YEAR FOR THE SUPPLY OF THE TREASURY; AND FOR SECURING THE CREDIT OF SAID BILLS.

*Be it enacted by His Excellency the Governour, Council and Representatives in General Court assembled, and by the authority of the same.*

[SECT. 1.] That, from and after the first day of February next, all coined silver of sterling alloy, shall be accounted, paid and taken as lawful[1] money of this province, at the rate of six shillings and eightpence per ounce, Troy weight, and other money in the same proportion, and no otherwise; and all private trade and dealings, where no other lawful[1] money or thing is expressly contracted for, shall be intended to be in and for the money aforesaid.

The value of silver money stated at 6s. 8d. per ounce. 1733-39, chap. 14

*And whereas*, the bills of public credit on this province have been fluctuating and uncertain in their value, whereby many misch[e]i[c]fs and inconveniencies have arisen; for preventing whereof for the future,—

*Be it enacted by the authority aforesaid,*

[SECT. 2.] That the province bills emitted for the supply of the treasury this present year, shall be valued and taken at the rate following: vizt., every bill of six shillings and eightpence, at the rate of one ounce, Troy weight, of coined silver, sterling alloy; and all other bills of said emission at the same proportion.

Value of bills of credit stated.

*And be it further enacted,*

[SECT. 3.] That six shillings and eightpence, of all debts and dues to be contracted within five years from the last day of March next (specialties and express contracts excepted), shall be deemed, and, to all intents and purposes, adjudged to be equal to one ounce of coined silver, sterling alloy, and shall be accordingly paid with one ounce of silver, or with six shillings and eightpence of the bills to be emitted for the supply of the treasury this present year (excepting as hereinafter excepted), or in so much of the province bills thereafter to be emitted, as shall be equal to one ounce of silver, at the time of payment: and so, in proportion, for a greater or less sum.

*Provided, nevertheless,*

[SECT. 4.] That, if the bills ordered to be emitted this present year, or other bills hereafter to be emitted, shall be depreciated, or commonly pass at any lower rate than they are set at by this act, or by the act by

Allowance to be made to the creditor in case the bills be depreciated.

which such other bills shall be emitted, that then, and in such case, the justices of the respective courts shall give judgment, for so much in silver, as the true debt appears to be, and, in want thereof, for so much in said province bills, with the addition of so much more as will make amends for the depreciating said bills from their present stated value, or the value at which such other bills shall be stated.

And, to the intent that there may be one certain rule by which the justices of the respective courts shall proceed in making up their judgments,—

*Be it enacted by the authority aforesaid,*

Rule for the  
court's proceed-  
ing thereon.

[SECT. 5.] That the general assembly, shall, once in every six months, determine the rates that said bills then commonly pass at, in proportion to silver and bills of exchange payable in London; and, in want thereof, it shall be determined by the eldest councillor, for the time being, in each of those counties where any member of his maj[es]ty's council is an inhabitant; who are hereby appointed a committee for that purpose, and to ascertain the said proportion by a certificate under their hands, or the hands of the major part of them, w[h]ich certificate shall be lodged in the secretary's office; and, in case of their failure, that then the justices of the superior court of judicature, in their several terms, in the county of Suffolk, annually, shall appoint five able and sufficient men, upon their oaths, to consider and report the true value of those bills, as they will produce in silver or bills of exchange, to the best of their judgm[en]t, and certify the same into the secretary's office. And the secretary, on receipt of either of the aforesaid certificates, shall forthwith send attested copies thereof to the clerks of the courts in the several counties, to be by them laid before their respective courts for their direction.

And, *whereas*, the purchasing of silver, at high rates, has often brought a discount on the bills of publick credit,—

*Be it therefore further enacted by the authority aforesaid,*

Penalty for giv-  
ing more for  
silver than at  
the rate set in  
this act.

[SECT. 6.] That whosoever shall, at any time within five years from the first day of February next, directly or indirectly, by himself or by any other for him, wittingly give, contract, or offer to give, receive, contract or offer to receive, more than six shillings and eightpence in the bills of publick credit ordered to be emitted this present year, for the supply of the treasury, for one ounce of silver, Troy weight, of sterling alloy, or, proportionably, for any greater or less sum, or more, in any other bills of credit than (at the rates at which they shall obtain a currency) shall be equal to six shillings and eightpence, in the bills ordered to be emitted this present year, for one ounce of silver, and, proportionably, for a greater or less sum, or more than a proportionable value, whether payment be made, or proposed to be made, in bills, or any other way and manner whatsoever, he shall forfeit the sum of fifty pounds, in the bills ordered to be emitted this year for the supply of the treasury, or equivalent thereto, in other province bills, or in silver or gold; one half to his majesty, for the use of the province, and the other half to the informer, to be recovered by action of debt, bill, plaint or information, in any court of record within the county where the offence shall be committed, or by indictment or presentm[en]t of the grand jury; and in every such prosecution, if the prosecutor only, or other credible person, who was party in such contract, trade or dealing, shall tender his oath to the truth of the matter alledged (unless the defendant will thereof acquit himself by his oath), the prosecutor, or such other credible person, as aforesaid, shall be admitted to swear to the matter of fact charged upon the defendant, and that shall be taken for full evidence against the defendant; and the prosecutor, or such other person who shall so testify, shall not be liable to any fine or forfeiture he



may have incurred by and in the same contract, trade or dealing; and if any person thought probably concerned in any such contract, trade or dealing, refuse to be sworn, or to give evidence, either before the court before whom the trial shall be, or to the grand jury, he shall, by the court who shall require such oath, be fined such sum as if he had been convict of buying silver contrary to this act, and shall stand committed till he pay the same, and the fine shall be in like manner applied.

*Provided,*

[SECT. 7.] That nothing herein contained shall be construed to restrain the buying or selling of silver, wrought into vessels or other things commonly made by goldsmiths, at a higher rate than six shillings and eightpence per ounce. [*Passed January 15; published January 18, 1741-42.*]

*Proviso.*

## CHAPTER 13.

AN ACT TO ENCOURAGE MEN TO ENLIST THEMSELVES IN THE PROVINCE SNOW, AND MORE EFFECTUALLY TO GUARD THE SEA-COAST DURING THE PRESENT WAR WITH SPAIN.

*Be it enacted by His Excellency the Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

[SECT. 1.] That the captain, officers and ship's company of the said province snow, shall have all such vessels, stores and goods as they shall seize and take from the king of Spain, his vassals and subjects, during the pre-sent war with Spain; and ten pounds a head, old tenor bills, or equivalent, for every man of the enemy taken or destroyed by them in any engagement with any ship of war or privateer of the enemy by them taken or destroyed; the number of men, and destruction of the ship or vessel, to be proved by three or more of their ch[e]i[f] officers or men, before some ch[e]i[f] magistrate, and by him certified; the said prizes and premiums to be divided to and among the captain, officers and ship's company; vizt., to the captain, two-eighths, to the lieutenant and master, one-eighth, to the warrant-officers, one-eighth, to the petty officers, one-eighth, and to the ship's company, three-eighths: and the captain, officers and ship's company shall appoint their respective agents for the receiving, management and distribution of their respective shares accordingly.

Premiums to be allowed to the officers and sea men in the province snow, upon the capture of any vessel of the enemy.

1740-41, chap. 2, § 11, and notes, and chap. 10.

*And be it further enacted by the authority aforesaid,*

[SECT. 2.] That all private ships or vessels of war, and trading vessels that have letters of marque, or commissions as private vessels of war, from the governour of this province, and are fitted out from and registered in this province, shall have the same premium of ten pounds a head for every man of the enemy taken or destroyed by them, in any engagement with any ship of war or privateer of the enemy by them taken or destroyed during this present war, upon the coast of his majesty's dominions in America, between South Carolina and Newfoundland; the number of men, destruction of [the] ship or vessel, and place where, to be proved by three or more of their ch[e]i[f] officers or men, before some ch[e]i[f] magistrate, and by him certified; the premiums aforesaid, to be distributed to the owners, officers and ship's company, according to their written agreements among themselves subsisting: all which premiums shall be duly and seasonably paid out of the province treasury, in course, as all other payments are made. [*Passed January 15; published January 18, 1741-42.*]

Premium to the officers and sea men of private men of war, in course.

## CHAPTER 14.

## AN ACT TO RETRENCH THE EXTRAORDINARY EXPENCE AT FUNERALS

Preamble.

1724-25, chap. 7.

WHEREAS, the giving of scarves, gloves, wine, rum and rings, at funerals, is a great and unnecessary expence, and, while practiced, will be detrimental to the province, and tend to the impoverishing of many families,—

*Be it therefore enacted by His Excellency the Governor, Council and Representatives in General Court assembled, and by the authority of the same,*

No scarfs,  
rings, gloves,  
wine or rum to  
be given at fu-  
nerals, saving.

[SECT. 1.] That no scarves, gloves (except six pair to the bearers, and one pair to each minister of the church or congregation where any deceased person belongs), wine, rum or rings shall be allowed and given at any funeral, upon the penalty of fifty pounds, to be forfeited by the executor or administrator to the will or estate of the person interred, or other person that regulates or is at the expence of the funeral (to be paid by him out of his own estate); to be recovered by action, bill, plaint or information, in any of his majesty's courts of record proper to try the same: one moiety to him that shall inform and sue for the same, the other moiety for the use of the poor of such town where the person interred did last belong. And the grand jurors in the several counties are hereby strictly enjoined, diligently to inquire after, and make presentment of, the breaches of this act.

Limitation.

[SECT. 2.] This act to continue and be in force for the space of five years from the publication thereof, and no longer. [*Passed January 15; published January 18, 1741-42.*]

## CHAPTER 15.

## AN ACT TO ALTER SEVERAL LAWS THAT REQUIRE APPELLANTS TO FILE AND PRODUCE THE REASONS OF THEIR APPEAL.

Preamble.

1724-25, chap. 4.

WHEREAS, it is found by experience that the appellant's filing reasons of appeal, in the courts of the common law, is a meer matter of form, and gives no light in the cause, but many times occasions vain disputes upon their forms, to the needless charge of the appellants, and, sometimes, to the utter overthrow of their causes,—

*Be it therefore enacted by His Excellency the Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

No reasons of  
appeal to be  
given in any  
cause.

That, henceforth, when any party shall be aggr[e]i[e]ved at the sentence or judgment of any justice, or court of general sessions of the peace, or inferior court of common pleas, and appeal to any higher judicatory, the appellant shall not be required to file or produce any writing purporting the reasons of his appeal, but the cause may be ent[e]r[e]d and tried upon the appeal, without any reasons filed or produced as heretofore hath been accustomed: any law, usage or custom to the contrary hereof, in anywise notwithstanding. [*Passed January 5; published January 18, 1741-42.*]

## CHAPTER 16.

## AN ACT IN ADDITION TO AN ACT MADE TO PREVENT THE DESTRUCTION OF THE FISH CALLED ALEWIVES, AND OTHER FISH.

WHEREAS, notwithstanding the several acts made for the preservation of the fish, and to give them free passage up and down the rivers, in their seasons, yet, by reason of the many dams erected, and often erecting across such rivers and streams where the several sorts of fish pass up into the natural ponds to cast their spawns, said fish are diverted in their passage, to the great decay and ruin of such fishery,—

*Be it therefore enacted by His Excellency the Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

[SECT. 1.] That whosoever shall hereafter erect or build any dam across any such river or stream where the salmon, shad, alewives or other fish usually pass up into the natural ponds, to cast their spawn, shall make a sufficient passage-way for the fish to pass up such river or stream, through or round such dam, and shall keep it open, for the free passage of the fish, from the first day of April to the last day of May, annually; and all the owners or occupants of any mill-dam, or other dams heretofore erected and made across any such river or stream where the fish can't conveniently pass over, shall make a sufficient way, either round or through such dam, for the passage of such fish, at or before the first day of September next, and after that to keep such passage-way open from the first day of April to the last day of May, annually, on pain that every person offending, in any of the particulars aforesaid, shall forfeit and pay the sum of fifty pounds for each offence.

*Provided, nevertheless,—*

*Whereas, in some of the rivers or streams the said fish do not pass up to spawn in the times by this act provided for,—*

[SECT. 2.] That it shall be in the power of the several towns wherein such streams are, or are adjoining, or the selectmen of such towns, or the major part of them, to appoint or order the times of keeping open such sluice-ways as, in their judgment, may be agreeable to the natural time of said fish passing up to spawn, so as it does not exceed sixty days annually.

*And be it further enacted by the authority aforesaid,*

[SECT. 3.] That the owners or occupants of such dam or dams shall allow sufficient water-passage round, through or over such dams, for the passage of such fish or their young spawn, in the season of their going down such rivers or streams, on penalty of forfeiting the sum of fifty pounds for every offence.

*Provided, nevertheless,*

[SECT. 4.] That whosoever is an owner or occupant of such dam or dams, erected before the year one thousand seven hundred and nine, and by this act is obliged to make such passage-way for the fish, as aforesaid, shall, after he has effected the same, present his account of the reasonable charge thereof to the court of general sessions of the peace, of the same county, for their allowance, who are hereby empowered to proportion the several towns' parts thereof who are advantaged thereby, and order each of said towns to assess and pay the same to such owner or occupant, accordingly: and the owners or occupants of such dam shall afterwards maintain such passage-way at his or their own cost and charge.

Preamble.  
1735-36, chap. 21.

Passage in dams  
to be kept open  
for the fish at  
the proper sea-  
son.  
5 Pick. 204.  
7 Cusb. 101.

Penalty.

In some towns  
the selectmen  
to appoint the  
season.

Owners of the  
dams to allow a  
passage.

Charge thereo  
to be paid by  
those that have  
the benefit.

*And be it further enacted by the authority aforesaid,*

Towns to  
choose persons  
to see that this  
act be observed.

[SECT. 5.] That it shall be in the power of any town, at their annual meeting in March, to chuse one or more persons, whose business it shall be to see that the said passage-ways are open, pursuant to this act, and that said fish may not be obstructed in their usual passing up and down stream, and to appoint the proper place or places for the taking such fish with scoop-nets, and to limit the particular times and days for the taking the same.

*Provided, also,*

Proviso.

[SECT. 6.] That this act shall not be construed so as to affect the order of this court, pass'd in January, one thousand seven hundred and thirty-eight, relating to Watertown mill-dam.

Disposition of  
the fines.

[SECT. 7.] And that the several fines and penalties arising by virtue of this act, shall be sued for and recovered in any court of record proper to try the same, by any person that shall prosecute and sue for the same; one half of such sum to be to and for the use of the prosecutor, and the other half to be to and for the use of the poor of the town where the offence shall be committed. [*Passed January 15; published January 18, 1741-42.*]

## CHAPTER 17.

AN ACT FOR ERECTING A PAR[S]CEL[L] OF THE LANDS BELONGING TO THE INHABITANTS OF THE WESTERLY PART OF THE TOWN OF BROOKF[E]I[E]LD, AND THE NORTHERLY PART OF THE TOWN OF BRIMF[E]I[E]LD, AND EASTERLY PART OF KINGSF[E]I[E]LD, SO CALLED; (VIZT., THOSE PARTS OF THE SAID LANDS THAT ADJOIN TO SAID BROOKF[E]I[E]LD), INTO A TOWNSHIP BY THE NAME OF WESTERN.

WHEREAS, divers inhabitants of the towns of Brookf[e]i[e]ld and Brimf[e]i[e]ld, and of Kingsf[e]i[e]ld, so called, labour under difficulties by reason of their not being incorporated into a township,—

*Be it enacted by His Excellency the Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

A new town  
made, called  
Western.

[SECT. 1.] That the lands hereafter bounded and described be, and hereby are, erected into a separate and distinct township by the name of Western; vizt.,—

Bounds of the  
town.

[SECT. 2.] Beginning at Brookf[e]i[e]ld south-west corner, then running half a mile north, on said Brookf[e]i[e]ld line; then west, thirty-four degrees north, three miles and eighty rods, to the river, and bounded with a small walnut staddle standing in the split of a rock; thence, running up the river, to an elm tree, marked; thence, crossing the river, and running north, forty-four degrees east, about three miles and an half, to Brookf[e]i[e]ld west line, to a heap of stones near a chestnut tree, marked; and running east, eleven degrees and thirty minutes south, one mile and an hundred and fifty rods, to a heap of stones on a rock at the end of a meadow or mill-pond; then bound[ed][ing] on Cornelius White's land, till it come[s] to Mill-brook, so called; then bounded with the mill-brook to the river, as the brook runs; then crossing the river, and extending south-easterly, to a white-oak tree, known by the name of the north-east corner of the mile square; thence, extending south-easterly, to Brookf[e]i[e]ld south line, intersecting that line two miles and three-quarters from said first-mentioned south-west corner bounds.

[SECT. 3.] And that the inhabitants of the said lands be, and hereby are, vested with all the powers, privileges and immunities that the in-

habitants of other towns within this province are, or by law ought to be, vested with; and that the said town of Western belong to the county of Worcester.

*Provided,—*

*And be it further enacted by the authority aforesaid,*

[SECT. 4.] That nothing in this act contained, shall be construed or intended to hinder, alter or prejudice the right and interest of all or any person whatsoever, in any of the common or undivided lands in the said townships of Brookf[e]i[e]ld, Brimf[e]i[e]ld and the plantation called Kingsf[e]i[e]ld, but the same shall remain as heretofore; and the inhabitants of the respective towns and plantation aforesaid, shall have their full vote in the ordering, improving or disposing of such common and undivided lands, as by law they have, or ought to have, before the enacting hereof.

This act not to alter persons' rights to common lands in Brookfield, &c.

*Provided, also,—*

*And be it further enacted,*

[SECT. 5.] That the inhabitants of the said town of Western shall be liable and subject, notwithstanding their being set off and constituted a township, as aforesaid, to pay their proportion of all province, county and town rates, for this year, in the said towns of Brookf[e]i[e]ld, Brimf[e]i[e]ld and Kingsf[e]i[e]ld, respectively, and shall be accordingly assessed thereto, in the same manner as they would have been if this act had never been made; anything herein before contained, to the contrary, notwithstanding [Passed January 16; published January 18, 1741-42.]

Inhabitants to pay past rates to the towns where they be longed.



# ACTS

PASSED AT THE SESSION BEGUN AND HELD AT BOSTON,  
ON THE SEVENTEENTH DAY OF MARCH, A.D. 1741-42.

## CHAPTER 18.

AN ACT FOR THE BETTER REGULATING THE CHOICE OF PETIT JURORS.

*Be it enacted by the Governour, Council and House of Representatives,*

Lists of persons  
liable to serve  
on juries, to be  
taken by the  
selectmen.  
1736-37, chap. 10.

Persons so en-  
listed to be dis-  
tinguished for  
the superior  
and inferior  
courts, and their  
names to be put  
into separate  
boxes.

Names to be  
drawn, and  
such persons to  
serve on the  
juries.

Persons to  
serve on juries  
but once in  
three years

[SECT. 1.] That the selectmen of each town within this province, shall, within their respective towns, within three months from the publication of this act, take a list of all the persons, liable by law, and which they shall judge able and well qualified, to serve on the petit jur[ie][y]s, and lay the same before the town, at a meeting to be immediately called for that purpose; and the town shall, respectively, at such meeting, select out of that list, one-quarter of the number so laid before them, such as they judge most suitable to serve as jurors at the superior court of judicature, court of assize and general goal delivery, and put their names, written on separate p[e]i[e]ces of paper, in one box; and the remainder of such of them as the town shall think suitable, in the same manner, into another box, to serve as jurors at the inferior court of common pleas and court of general sessions of the peace, to be provided by the selectmen for that purpose, and deliver the same to the town clerk, to be by him kept under lock and key.

*And be it further enacted by the authority aforesaid,*

[SECT. 2.] That, when the *venire facias* shall issue forth for the choice of petit jurors, and the inhabitants of each town shall be assembled for that purpose, the town clerk, or one or more of the selectmen in case of his absence or sickness, shall carry into the meeting the box wherein the names of those persons are put who are designed to serve at the court from whence the *venire* issued, which shall be unlocked in the meeting, and the major part of the selectmen (who are hereby enjoined to be present) and the town clerk, or, in his absence, one of the selectmen, shall draw out so many tickets as there are jurors required by the *venire*, who shall be the persons that shall be returned to serve as jurors: *saving*, that if any whose names are so drawn are sick, or otherwise are unable to serve at that time, in the judgment of the town, their names shall be returned into the box and others drawn in their stead.

[SECT. 3.] And, to the intent the same persons may not serve too often, the clerk or selectmen who shall draw the ticket or name of any person, returned to serve as aforesaid, shall enter on the back thereof, the date of such draught, and return the same into the box again, and said person or persons shall not be obliged (altho' drawn at any time)

to serve as jurors oftner than once in three years; and no person who has served as a petit juror, within two years past, shall be obliged to serve again until [1] three years be compleated from the time of his last serving, notwithstanding his name's being drawn, as aforesaid.

[SECT. 4.] And the selectmen shall, in the same manner, once in every year, during the continuance of this act, take a new list of such other persons as may become suitable and qualified, and lay the same before the town, whose names, being first by them allowed, shall be put into their respective boxes in manner as aforesaid; and, as well that all may do duty, as that the deficiency that may have hap[pened] by death, or otherwise, may be supplied at such time, the town may, if they think fit, make a new regulation of the list before received, and transfer the names from one box to the other, as they judge needful [1].

And whereas, it often happens that the persons returned to serve as petit jurors abscond, and the respective constables are put to great difficulty and frequently prevented from notifying them,—

Preamble.

*Be it further enacted by the authority aforesaid,*

[SECT. 5.] That, from and after the publication of this act, the clerks of the respective courts in this province, shall, and hereby are obliged to, issue out their *venires* from their respective offices, thirty days, at least, before the return day; and the respective constables, upon receipt of the said *venires*, are hereby obliged to notify their towns thereof, so that the several meetings may be held six days, at least, before the sitting of the court from whence the *venire* issues; and the said constables are hereby directed, in case they cannot personally notify those who are so drawn, upon their leaving a certificate of their being drawn, as aforesaid [1], with the time and place of the respective court's sitting, at the usual place of such person's abode, four days before the sitting thereof, [and] it shall be deemed a sufficient notification.

Rules for issuing *venires* and giving notifications.

[SECT. 6.] And if any person, drawn and notified as aforesaid, shall neglect to attend and serve accordingly, unless reasonable excuse be made to the justices of the respective courts, he shall be fined in a sum not exceeding forty shillings of the present emission, to be divided between the petit jurors, drawn as aforesaid and serving at such court.

Penalty for persons not attending as jurors.

*And be it further enacted by the authority aforesaid,*

[SECT. 7.] That the justices of the respective courts aforesaid [1], are hereby directed, upon motion from either party in the cause to be tried, to put any juror to answer, upon oath (whether returned as aforesaid or as a talisman), whether he doth expect to gain or lo[se] by the issue of the cause then depending; whether he is anyways related to either party; and whether he hath been of council to either party, or directly or indirectly given his opinion, or is sensible of any prejudice in the cause. And if it shall then appear to said court that such juror does not stand indifferent in said cause, he shall be set aside from the trial of that cause, and another appointed in his stead.

Method for preventing partial jurors.

And whereas, it frequently happens that many of the jurors so chosen to serve in the several courts of judicature, within this province, fail of attendance, and, by reason of challenges made by parties to several of said jurors, the number of returned jurors are too few to serve at said courts: for remedy whereof,—

Preamble.

*Be it enacted by the authority aforesaid,*

[SECT. 8.] That, from and after the publication of this act, it shall and may be lawful [1] for the justices of the courts aforesaid [1], when sitting, and as they shall judge there is occasion, to cause new writs of *venire facias* to be forthwith issued out and directed to the constables of the several towns in the county in which said court is held, for the appointment and return of so many good and lawful [1] men,

New *venires* to be issued, in case.  
1737-38, chap. 7.

to serve upon the jury at said court, as shall be directed in the writ[t]; which jurors shall be forthwith appointed, and, being notified and returned to the said court, shall be, and hereby are, obliged to give their immediate attendance accordingly, under the penalty by this act provided for non-appearance of jurors.

Limitation.

[SECT. 9.] This act to continue and be in force for the space of seven years from the publication thereof, and no longer. [*Passed April 23; published April 24, 1742.*]

## CHAPTER 19.

AN ACT FOR ALTERING THE TIMES FOR HOLDING THE SUPERIOUR COURT OF JUDICATURE, COURT OF ASSIZE AND GENERAL GOAL DELIVERY, WITHIN THE COUNTIES OF SUFFOLK, MIDDLESEX, PL[Y][I]MOUTH AND BARNSTABLE, FOR THE COUNTIES OF BARNSTABLE AND DUKES COUNTY.

Preamble.

WHEREAS, the time by law appointed for holding the superior courts for the counties of Pl[y][i]mouth and Barnstable, so early in the spring, is found inconvenient on many accounts, and to remove them into the month of July will interfere with the time appointed for holding the superior court at Cambridge, for the county of Middlesex, on the last Tuesday of July,—

*Be it enacted by His Excellency the Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

Times of holding the courts in Suffolk, Middlesex, Plymouth and Barnstable altered.

1724-25, chap. 11.

1699-1700, chap. 3, § 2.  
1740-41, chap. 13, § 1.

1740-41, chap. 13, § 1.

[SECT. 1.] That the superior court of judicature, court of assize and general goal delivery, that was, by law, to have been holden at Boston, for the county of Suffolk, on the second Tuesday of August, annually, shall be held at Boston, for said county of Suffolk, on the third Tuesday of August, yearly; and the superior court of judicature, court of assize and general goal delivery, that was, by law, to have been held at Cambridge, for the county of Middlesex, on the last Tuesday of July, yearly, shall be held at Cambridge, for the county of Middlesex, on the first Tuesday of August, annually; and the superior court of judicature, court of assize and general goal delivery, that was, by law, to have been held at Pl[y][i]mouth, for the county of Pl[y][i]mouth, on the second Tuesday of April, yearly, shall be held at Pl[y][i]mouth, for said county of Pl[y][i]mouth, on the second Tuesday of July, annually; and the superiour court of judicature, court of assize and general goal delivery, that [was], by law, [was] to have been held at Barnstable, for the counties of Barnstable and Dukes County, on the fourth Tuesday of April, annually, shall be held at Barnstable, for said counties of Barnstable and Dukes County, on the third Tuesday of July, annually.

*And be it further enacted,*

Processes in said courts not to be discontinued.

[SECT. 2.] That all appeals, reviews, recognizances, warrants, or other processes, already issued, taken and filed, which were to be heard and tried at any of the courts aforesaid, shall not fail or be discontinued, but be obligatory, continued over, held good and valid, to all intents and purposes, in the law, and may be pleaded, heard and proceeded on at the next respective courts appointed by this act to be held in the several counties aforesaid; and all officers, and other persons concerned therein, are to conform themselves accordingly: *provided, also,* that all executions, returnable to the respective courts formerly established, be returned at the time therein mentioned, notwithstanding the alterations aforesaid. [*Passed April 7; published April 24, 1742.*]

## CHAPTER 20.

AN ACT IN SUPPLEMENT OF AN ACT, ENTITLED "AN ACT IN ADDITION TO AN ACT MADE TO PREVENT THE DESTRUCTION OF THE FISH CALLED ALEWIVES, AND OTHER FISH."

WHEREAS, in and by an act made in the present year of his maj[es]ty's reign, entitled, "An Act in addition to an act made to prevent the destruction of the fish called alewives, and other fish," the several towns within this province are enabled and impowered to choose one or more persons, whose business it should be to see that the passage-ways for fish, in said act ordered to be made, be kept open during the term therein mentioned, that so the fish may not be obstructed in their usual passing up and down stream, and to appoint the proper place or places for the taking such fish with scoop-nets, and to limit the particular times and days for taking the same; but no penalty is therein ordered to be imposed on such as shall take alewives or other fish at other times or places than such as shall be appointed in pursuance of said act,—

Preamble.  
1741-42, chap. 16

*Be it therefore enacted by the Governour, Council and House of Representatives,*

[SECT. 1.] That whosoever shall presume to take any of the kinds of fish, in said act enumerated, whether with scoop-nets or otherwise, in any river or stream within, or adjoining to, any town within this province, at any other place or time than such as has been, or shall be, limited and appointed by any town in pursuance of said act, such offender or offenders shall forfeit and pay the sum of ten shillings for each offence; one moiety thereof to be for the use of the poor of the town where the offence shall be committed, the other moiety to be to him or them who shall inform and sue for the same, before one or more of his majesty's justices of the peace in the same county.

Penalty for  
catching fish  
with nets, &c.,  
out of season.

*Provided,*

[SECT. 2.] That this act be not construed to affect any person taking fish in any town, where such town shall not, in manner as aforesaid, appoint the time and place for taking the fish aforesaid. [*Passed April 23; published April 24, 1742.*]

## CHAPTER 21.

AN ACT TO ENABLE THE TRUSTEES, APPOINTED IN HIS MAJESTY'S HIGH COURT OF CHANCERY TO PURCHASE HOUSES OR LANDS, AND IMPROVE THE SAME, FOR PERPETUATING THE CHARITY OF THE HONOURABLE EDWARD HOPKINS, ESQ., MORE EFFECTUALLY TO SECURE THE INTEREST OF THEIR SEVERAL TENANTS, IN POSSESSION OF THEIR HOPKIN[S]TON AND UPTON LANDS, AND THE REVENUE[S] OF THOSE LANDS, TO THE COLLEGE AND GRAMMAR SCHOOL AT CAMBRIDGE, ACCORDING TO THE TRUE INTENT OF ALL PARTIES AT THE FIRST SETTLEMENT OF THAT TOWN.

WHEREAS the trustees appointed in his majesty's high court of chancery to purchase houses or lands, and improve the same, for perpetuating the charity of the Honourable Edward Hopkins, Esq., at their meeting, the nineteenth of April, 1716, agreed that those lands should be leased out at the annual rent of threepence an acre, for the term of ninety-nine years, and not exceeding ninepence an acre to those termors, their heirs and assigns, at any time coming after the expiration of

Preamble

that term; and afterwards, when the leases were made, for that term to commence the twenty-fifth of March, 1723; as, on the one hand, they did not secure to the particular termors, their heirs and assigns, the right of renewing their leases, from time to time, forever, upon an annual rent not exceeding ninepence an acre, to the great disadvantage of the tenant, so, on the other hand, they obliged the trustees to discharge and save the tenants from paying any province tax for three-quarters of the premises, to the utter loss of the rent therein reserved for the pious uses aforesaid,—

*Be it therefore enacted by His Excellency the Governour, Council and Represent[ati]ves in General Court assembled, and by the authority of the same,*

New indentures  
to be given on  
Hopkinton and  
Upton land.

[SECT. 1.] That it shall be lawful[1] for the said trustees, and they are hereby empowered, by certain indentures, between them and the tenants of those lands to be executed, to confirm the several tenements in the tenure of the original termors, or their assigns, to hold to them, their heirs and assigns, forever; reserving a rent charge of one penny, sterling money of Great Britain, or equivalent in province bills, by the acre, payable the twenty-fifth of March, annually, in lieu of the rent reserved in their respective leases, till the twenty-fifth of March, one thousand eight hundred and twenty-three; and threepence an acre, like money, payable the twenty-fifth of March, annually, from that time forward, forever: the tenants covenanting for themselves, their heirs and assigns, to pay all province taxes for their lands, to be rated by this court, from time to time, for what they are worth, above the rents reserved as aforesaid.

Preamble.

*And whereas*, the trustees aforesaid have, by an endors[ement] on their several leases, granted to the termors and their assigns the right of common in all their lands in Hopkin[s]ton and Upton (above twelve thousand five hundred acres, designed for the several tenants and other particular uses), in proportion to the quantity of their lands leased to them, and these tenants apprehend they can more beneficially improve the said common lands, if divided to every one their share; now, therefore,—

*Be it further enacted by the authority aforesaid,*

Tenants em-  
powered to di-  
vide their com-  
mons.

[SECT. 2.] That the trustees aforesaid, instead of granting them the common aforesaid, be empowered, by the indentures aforesaid, the better to enable them to pay the land-tax aforesaid, to give, grant, convey and confirm, to the tenants aforesaid, all the lands aforesaid, in proportion to their lands leased to them as aforesaid, to hold to them and their heirs forever; that they may either improve the same in common, as was first intended, or divide and separately improve the same, as shall seem good to them, or the major part of them, upon advisement and mature consideration thereof.

And, for the better securing of the several tenants' estate in the premises, and more clear discovery of their respective interests, and [the] recovery of the rents aforesaid,—

*Be it further enacted,*

A register to be  
appointed for  
recording  
leases, &c.  
2 Mass. 314,  
and 316.

[SECT. 3.] That the trustees aforesaid shall, and they are hereby empowered, to appoint a register for those lands, and swear him to the faithful[1] discharge of his duty, and, from time to time, upon his misbehaviour, or failure, by death or otherwise, to substitute and swear another in his room, who shall keep fair books of record, and therein record one of those leases, already recorded by the register of the county of Middlesex, with the mean conveyances thence down to the present tenant in possession, as also a certificate, from the register of the county of Middlesex, of all the rest by him recorded, expressing the leases, premises, dates and the terms of continuance, with all the mean



conveyances, down to the present tenant in possession; and he shall likewise record all those leases and mean conveyances not yet recorded by the register of the county of Middlesex, and all future conveyances of any of the said lands. And, after the twenty-sixth day of April next, no conveyance of those houses or lands, the revenue whereof goes to the college and grammar school in Cambridge, shall be good, to hold the same against any other persons but the grantors and their heirs only, unless the deed thereof be recorded by the register aforesaid, who shall take of the purchasers at the rate of eightpence sterling, or equivalent in province bills, for every page of twenty-eight lines, eight words in a line, for recording the same, and no more; and no purchaser shall be obliged to record any of these deeds in the records of the county of Middlesex henceforward. [*Passed April 12; published April 24, 1742.*]

## CHAPTER 22.

### AN ACT TO LIMIT AND DIRECT IN SUING OUT EXECUTIONS UPON JUDGMENTS OF COURTS.

*Be it enacted by His Excellency the Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

That, when judgment shall be given in any court of record, the party obtaining it may sue out execution thereon, at any time within a twelve-month, and afterwards renew it as often as occasion shall require; and where any execution shall be returned without any satisfaction made, or satisfied only in part, the clerk of the said court, within a twelve-month after the return thereof into the office, may, *ex officio*, renew or make out an *alias* or *pluries* execution for the whole or the remainder, as the case may be, till the judgment be fully satisfied; but, if the party shall neglect to sue out his execution, *alias* or *pluries* within the times afore limited, he shall sue out a writ[t] of *scire facias*, and cause the adverse party to be served therewith, or an attested copy thereof to be left at his dwelling or place of usual and last abode, seven days inclusive before the court's sitting, requiring him to shew cause, if any he have, why execution ought not to be done; and, upon his non-appearance, or not shewing sufficient cause, the court shall award execution for what remaineth, with additional cost. [*Passed April 9; published April 24, 1742.*]

Method for regulating executions.

## CHAPTER 23.

### AN ACT FOR ENCOURAGING THE KILLING OF WOLVES, BEARS, WILDCATS AND CATAMOUNTS, WITHIN THIS PROVINCE.

*Be it enacted by the Governour, Council and House of Representatives,*

[SECT. 1.] That whosoever shall, from and after the publication of this act, kill any grown wolf, bear, wildcat or catamount, or any wolf[e]'s, wildcat's or catamount's whelp, or bear's cub, under one year old, and other than such as shall be taken out of the belly of any female bear, wolf, wildcat or catamount, within this province, and bring the whole head thereof unto the constable of the town in which such

Premium allowed for killing wolves, bears, wildcats, and catamounts 1736-37, chaps. 23 and 24.

wolf, bear, wildcat or catamount, or wolf's, wildcat's or catamount's whelp, or bear's cub, shall be killed, or to the constable of the town next adjacent unto the place where the same was killed, without the bounds of any township, the constable, in the presence of one or more of the selectmen, shall cut both the ears off the same.

[SECT. 2.] And such selectman, or men, and constable, shall give the party a receipt for the said head, expressing whether it be, in their judgment, a grown wolf, bear, wildcat or catamount, or wolf's, wildcat's or catamount's whelp, or bear's cub; and, upon producing such receipt, the party shall be paid and allowed, by the selectmen or treasurer of such town, out of the town stock, for the same, the following premiums, and no other; vizt., the sum of thirty shillings, in the bills last emitted by this court, or other bills of this province equivalent thereto, for a wolf; and for a wolf's whelp, the sum of ten shillings; for a catamount, forty shillings; for a catamount's whelp, twenty shillings; and for every bear that shall be killed from the first of April to the last of August, yearly, ten shillings; for every bear's cub killed during that season, five shillings; for a wildcat, the sum of five shillings; and the sum of two shillings and sixpence for every wildcat's whelp.

[SECT. 3.] And all such payments so made, shall be allowed by the treasurer and receiver-general of the province, upon his receiving a certificate, under the hands of a major part of the selectmen in such town, and town treasurer (where any such be), or town clerk, expressing the same; which certificate shall be in the following form; vizt.,—

Form of the  
certificate.

Mr. Treasurer:

This may certify that there hath been paid out of the town stock of A., for  
grown wolves [bears, wildcats or catamounts], and       wolves  
[wildcats or catamounts], whelps [or bear's cubs], killed in or near the  
town, since the       day of       last past (and the heads thereof brought  
unto our constable or constables, and the ears cut off in the presence of some  
of ourselves, as the law directs, and so certified unto us) in the whole, the  
sum of       pounds       ; which sum we desire you to allow to our town,  
by paying the same unto       , our town treasurer.

Dated in \_\_\_\_\_ aforesaid, the \_\_\_\_\_ day of \_\_\_\_\_, anno Domini 17 \_\_\_\_.

} Selectmen.  
} Town Treasurer, or  
} Town Clerk.

**Province treasurer to provide certificates.**

*And be it further enacted,*

[SECT. 4.] That the treasurer do cause a competent number of blank certificates, in the form aforesaid, to be printed, at the publick charge, and affix his own seal thereto, and is hereby ordered to deliver so many unto the selectmen of each town [and] [or] place, respectively, or some one of them, as shall be necessary for the use of such town or place.

And be it further enacted by the authority aforesaid,

Inhabitants to be assessed for the premiums.

[SECT. 5.] That the selectmen of each town, respectively, shall be, and hereby are, sufficiently authorized and empowered to assess the inhabitants of their town, yearly, in due proportion, as near as they can, such sum and sums as they shall judge necessary to answer the payments to be made out of the town stock as aforesaid, together with other charges of the town, and to cause the same to be collected in manner as is by law directed for the gathering of town rates.

And, for preventing any person's receiving a premium for any grown or young wolf, bear, wildcat or catamount, killed without the bounds of the province,—

*Be it enacted by the authority aforesaid,*

I tried to be  
made that the  
creatures were

[SECT. 6.] That when and so often as any person shall bring the head of any grown or young wolf, bear, wildcat or catamount to the

constable of any town or district within this province, and if he suspected that it was not killed within the same, such person shall not be intitled to the reward in this act provided, until [1] he makes oath, before one of his majesty's justices of the peace, or selectmen of the town in such town where no justice of the peace dwells, (who are hereby empowered to administer the same), that such wolf, bear, wildeat or catamount was, *bonâ fide*, killed within this province.

killed within  
the province.

*And be it further enacted by the authority aforesaid,*

[SECT. 7.] That if any Indian shall kill any wolf[e], bear, wildeat or catamount, or wolf's, wildeat's or catamount's whelp, or bear's cub, within this province, he shall be intitled to the same reward in this act provided for killing thereof, in case such Indian bring the head of such wolf, bear, wildeat or catamount, or wolf's, wildeat's or catamount's whelp, or bear's cub, to a constable, and satisfy the selectmen of the town where the same is brought that it was killed in this province.

Indians to be  
entitled to the  
premiums.

[SECT. 8.] This act to continue and be in force for the space of three years from the publication thereof, and no longer. [*Passed April 23; published April 24, 1742.*]

Limitation.

## CHAPTER 24.

### AN ACT FOR GRANTING UNTO HIS MAJESTY SEVERAL RATES AND DUTIES OF IMPOST AND TUNNAGE OF SHIPING.

WE, his majesty's most loyal and dutiful subjects, the representatives of his majesty's province of the Massachusetts Bay, in New England, being desirous of a collateral fund and security for drawing in the bills of credit on this province, have cheerfully and unanimously given and granted, and do hereby give and grant, unto his most excellent majesty, to the end and use aforesaid, and for no other use, the several duties of impost upon wines, liquors, goods, wares and merchandize that shall be imported into this province, and tunnage of shiping, hereafter mentioned, and pray that it may be enacted,—

*And be it accordingly enacted by the Governour, Council and [and] House of Representatives,*

[SECT. 1.] That, from and after the last day of the present session, there shall be paid by the importer of all wines, liquors, goods, wares and merchandize that shall be imported into this province from the place of their growth (salt, cotton-wool, provisions and every other thing of the growth and produce of New England excepted), the several rates or duties of impost following; viz'—

For every pipe of wine of the Western Islands, eight shillings.

For every pipe of Canary, twelve shillings.

For every pipe of Madera, nine shillings and sixpence.

For every pipe of other sorts, not mentioned, nine shillings and sixpence.

For every hogshead of rum containing one hundred gallons, eight shillings.

For every hogshead of sugar, sevenpence.

For every hogshead of molasses, fourpence.

For every hogshead of tobacco, nine shillings and sixpence.

For every tun of logwood, ninepence.

—And so, proportionably, for greater or lesser quantities.

And all other commodities, goods or merchandize, not mentioned or excepted, fourpence for every twenty shillings' value: all goods imported from Great Britain excepted.

*And whereas, many strangers and foreigners, of late years, have reaped great gain and profit by bringing into this province considerable quantities of foreign molasses, and rum, on their own accompts, whereby much of the trade that was formerly carried on with considerable profit by the inhabitants of this province, altho' with the paying very high charges for permission. &c.. in their islands, is, in a great measure, if not wholly, prevented; wherefore, in order to the subjecting such foreigners' goods to a higher duty,—*

*Be it enacted by the authority aforesaid,*

[SECT. 2.] That all such molasses and rum that belong to foreigners shall pay the following duties; viz<sup>t</sup>,—

For every hogshead of molasses, one shilling and sixpence.

For every hogshead of rum, one pound seventeen shillings and sixpence.

And, for the preventing the colouring of such foreigners' goods under the names of any merchants, or others, inhabiting this province,—

*Be it enacted by the authority aforesaid,*

[SECT. 3.] That, when any quantities of such goods are imported into this province that may reasonably be supposed to come from any of the said foreign plantations, and are said to be consigned to some of the inhabitants of this province, or British subjects, such person to whom the same is consigned shall make oath, before the commissioner of impost, in the following words; viz<sup>t</sup>,—

You, A. B., do swear that the goods imported in the ship or vessel ( ), and consigned you, did actually and truly come upon the sole proper account and risque, and are, *bona fide*, the goods and estate of yourself, or some other of his majesty's British subjects; and that no foreigner, directly or indirectly, is in any ways interested or concerned in the same, or are ever to have any share or part in the same, that you know of; nor is this consignment made to you under any colour or pretext to prevent the paying the duties of the same.

[SECT. 4.] And, for any of the above wines, liquors, goods, wares, merchandize, &c., that shall be imported into this province, &c., from any other port than the places of their growth and produce, there shall be paid, by the importer, double the value of impost appointed by this act to be received for every species abovementioned, unless they do, *bona fide*, belong to the inhabitants of this province, and came upon their risque from the port of their growth and produce.

*And be it further enacted by the authority aforesaid,*

[SECT. 5.] That all the aforesaid impost-rates and duties shall be paid in currant money, or in bills of credit of this province, by the importer of any wines, liquors, goods or merchandize, unto the commissioner to be appointed, as is hereinafter to be directed, for entering and receiving the same, at or before the landing of any wines, liquors, goods or merchandize: *only* the commissioner or receiver is hereby allowed to give credit to such person or persons, where his or their duty of impost, in one ship or vessel, doth exceed the sum of eight pounds; and in case where the commissioner or receiver shall give credit, he shall settle and ballance his accompts with every person, on or before the last day of April, so that the same accompts may be ready to be presented to this court in May next. And all entries, where the impost or duty to be paid doth not exceed three shillings, shall be made without charge to the importer; and not more than sixpence to be paid for any other single entry, to what value soever.

*And be it further enacted by the authority aforesaid,*

[SECT. 6.] That all masters of ships or other vessels, coming into any harbour or port within this province, from beyond sea, or from any other province or colony, before bulk be broken, and within twenty-four hours after his arrival at such harbour or port, shall make a report, to

the commissioner or receiver of the impost, to be appointed as is herein-after mentioned, of the contents of the lading of such ship or vessel, without any charge or fee to be demanded or paid for the same; which report said master shall give in to the commissioner or receiver, under his hand, and shall therein set down and express the quantities and species of the wines, liquors, goods and merchandize laden on board such ship or vessel, with the marks and numbers thereof, and to whom the same is consigned; and also make oath that the said report or manifest of the contents of his lading, so to be by him given in under his hand, as aforesaid, contains a just and true account, to the best of his knowledge, of the whole lading taken on board and imported in the said vessel from the port or ports such vessel came from, and that he hath not broken bulk, nor delivered any of the wines, rum or other distilled liquors or merchandize, laden on said ship or vessel, directly or indirectly; and if he shall know of any more wines, liquors, goods or merchandize to be imported therein, before the landing thereof he will cause it to be added to his manifest; which manifest shall be agreeable to a printed form made for that purpose, which is to be filled up by the said commissioner or receiver, according to each particular person's entry; which oath the commissioner or receiver is hereby empowered to administer: after which such master may unload, and not before, on pain of five hundred pounds to be forfeited and paid by each master that shall neglect his duty on this behalf.

*And be it further enacted by the authority aforesaid,*

[SECT. 7.] That all merchants, factors and other persons, importers, being owners of or having any of the wines, liquors, goods or merchandize consigned to them, that by this act are liable to pay impost or duty, shall, by themselves or order, make entry thereof in writing, under their hands, with the said commissioner or receiver, and produce unto him an invoice of all such goods as pay *ad valorem*, and make oath thereto in manner following:—

You, A. B., do swear that the entry of the goods and merchandize by you now made, exhibit the present price of said goods at this market, and that, *bona fide*, according to your best skill and judgment, it is not less than the real value thereof. So help you God.

—which above oath the commissioner or receiver is hereby empowered to administer; and they shall pay the duty and impost by this act required, before such wines, liquors, goods, wares or merchandize be landed, or taken out of the vessel in which the same shall be imported, on pain of forfeiting all such wines, liquors, goods, wares or merchandize so landed and taken out of the vessel in which the same shall be imported.

[SECT. 8.] And no wines, liquors, goods, wares or merchandize that by this act are liable to pay impost or duty, shall be landed on any wharfe, or into any warehouse or other place, but in the daytime only, and that after sunrise and before sunset, unless in the presence, and with the consent, of the commissioner or receiver, on pain of forfeiting all such wines, liquors, goods, wares and merchandize, and the lighter, boat and vessel out of which the same shall be landed or put into any warehouse or other place.

[SECT. 9.] And if any person or persons shall not have and produce an invoice of the quantities of rum or liquors to him or them consigned, then the cask wherein the same is, shall be gaged at the charge of the importer, that the quantities thereof may be known.

*And be it further enacted by the authority aforesaid,*

[SECT. 10.] That every merchant or other person importing any wines into this province, shall be allowed twelve per cent for leakage:



*provided* such wines have not been filled up on board; and that every hogshead, butt or pipe of wine that hath two third parts thereof leaked out, shall be accounted for outs, and the merchant or importer to pay no duty or impost for the same. And no master of any ship or vessel shall suffer any wines to be filled up on board, without giving a certificate of the quantity so filled up, under his hand, before the landing thereof, to the commissioner or receiver of impost for such port, on pain of forfeiting the sum of one hundred pounds.

[SECT. 11.] And if it be made to appear that any wines imported in any ship or vessel be decayed at the time of unlading thereof, or in twenty days afterwards, oath being made before the commissioner or receiver that the same hath not been landed above that time, the duties and impost paid for such wines shall be repaid unto the importer thereof.

*And be it further enacted by the authority aforesaid,*

[SECT. 12.] That the master of any ship or vessel importing any wines, liquors, goods, wares or merchandize, shall be liable to and shall pay the impost for such and so much thereof, contained in his manifest, as shall not be duly entred, nor the duty paid for the same by the person or persons to whom such wines, liquors, goods, wares or merchandize are or shall be consigned. And it shall and may be lawful, to and for the master of every ship or other vessel, to secure and detain in his hands, at the owner's risque, all such wines, liquors, goods, wares or merchandize imported in any ship or vessel, until he shall receive a certificate, from the commissioner or receiver of the impost, that the duty for the same is paid, and until he be repaid his necessary charges in securing the same; or such master may deliver such wines, liquors, goods, wares or merchandize as are not entred, unto the commissioner or receiver of the impost in such port, or his order, who is hereby impowered and directed to receive and keep the same, at the owner's risque, until the impost thereof, with the charge, be paid; and then to deliver such wines, liquors, goods, wares or merchandize as such master shall direct.

*And be it further enacted by the authority aforesaid,*

[SECT. 13.] That the commissioner or receiver of the impost in each port, shall be and hereby is impowered to sue the master of any ship or vessel, for the impost or duty for so much of the lading of any wines, liquors, goods, wares or merchandize imported therein, according to the manifest to be by him given upon oath, as aforesaid, as shall remain not entred and the duty of impost thereof not paid. And where any goods, wares or merchandize are such as that the value thereof is not known, whereby the impost to be recovered of the master, for the same, cannot be ascertained, the owner or person to whom such goods, wares or merchandize are or shall be consigned, shall be summoned to appear as an evidence at the court where suit for the impost and duty thereof shall be brought, and be there required to make oath to the value of such goods, wares or merchandizes.

*And be it further enacted by the authority aforesaid,*

[SECT. 14.] That the ship or vessel, with her tackle, apparel and furniture, the master of which shall make default in anything by this act required to be performed by him, shall be liable to answer and make good the sum or sums forfeited by such master, according to this act, for any such default, as also to make good the impost or duty for any wines, liquors, goods, wares and merchandize not entred as aforesaid; and, upon judgment recovered against such master, the said ship or vessel, with so much of the tackle or appurtenances thereof as shall be sufficient to satisfy said judgment, may be taken in execution for the same; and the commissioner or receiver of the impost is hereby impowered to make seizure of such ship or vessel, and detain the

same under seizure until judgment be given in any suit to be commenced and prosecuted for any of the said forfeitures or impost; to the intent that, if judgment be rendered for the prosecutor or informer, such ship or vessel and appur<sup>ances</sup> may be exposed to sale, for satisfaction thereof, as is before provided: *unless* the owners, or some on their behalf, for the releasing such ship or vessel from under seizure or restraint, shall give sufficient security unto the commissioner or receiver of impost that seized the same, to respond and satisfy the sum or value of the forfeiture and duties, with charges, that shall be recovered against the master thereof, upon suit to be brought for the same, as aforesaid; and the master occasioning such loss and damage unto his owners, through his default or neglect, shall be liable unto their action for the same.

*And be it further enacted,*

[SECT. 15.] That the naval officer within any of the ports of this province shall not clear or give passes to any master of any ship or other vessel, outward bound, until he shall be certified, by the commissioner or receiver of the impost, that the duties and impost for the goods last imported in such ship or vessel are paid or secured to be paid.

[SECT. 16.] And the commissioner or receiver of the impost is hereby empowered to allow bills of store to the master of any ship or vessel importing any wines or liquors, for such private adventures as shall belong to the master or seamen of such ship or other vessel, at the discretion of the commissioner or receiver, not exceeding three per cent of the lading; and the duties payable by this act for such wines or liquors, in such bills of store mentioned and expressed, shall be alated.

*And whereas*, many persons have heretofore caused to be imported, from the neighbouring governments, into this province, by land-carriage, large quantities of wine, rum and other merchandize, subjected to duty by this act, but have made no report thereof to the officer of impost, or any of his deputys, nor have paid any duty therefor, contrary to the true intent and meaning of this act,—

*Be it therefore further enacted by the authority aforesaid,*

[SECT. 17.] That, whensoever any rum, wine or other merchandize, by this act subjected to any duty, shall be hereafter imported from any of the neighbouring governments, by land, into any town of this province, the owner thereof, or person importing the same, shall make report thereof to the said officer, or some one of his deputys, and pay the duty hereby required therefor, on pain and penalty of forfeiting the same.

*And be it further enacted by the authority aforesaid,*

[SECT. 18.] That all penalties, fines and forfeitures accruing and arising by virtue of this act, shall be one half to his majesty for the uses and intents for which the aforementioned duties of impost are granted, and the other half to him or them that shall seize, inform and sue for the same, by action, bill, plaint or information, in any of his majesty's courts of record, wherein no essoign, protection or wager of law shall be allowed: the whole charge of the prosecution to be taken out of the half belonging to the informer.

*And be it further enacted by the authority aforesaid,*

[SECT. 19.] That there shall be paid, by the master of every ship or other vessel, coming into any port or ports in this province, to trade or traffick, whereof all the owners are not belonging to this province (except such vessels as belong to Great Britain, the provinces or colonies of Pensilvania, West and East Jersey, New York, Connecticut, New Hampshire and Rhode Island), every voyage such ship or vessel does make, the sum of two shillings per tonn, or one pound of good, new pistol-powder, for every tonn such ship or vessel is in burthen: *saving* for that part which is owned in Great Britain, this province, or any of the aforesaid governments, which are hereby exempted; to be

paid unto the commissioner or receiver of the duties of impost, and to be employed for the ends and uses aforesaid.

[SECT. 20.] And the said commissioner is hereby empowered to appoint a meet and suitable person, to repair unto and on board any ship or vessel, to take the exact measure or tonnage thereof, in case he shall suspect that the register of such ship or vessel doth not express and set forth the full burthen of the same; the charge thereof to be paid by the master or owner of such ship or vessel, before she be cleared, in case she shall appear to be of greater burthen: otherwise, to be paid by the commissioner out of the money received by him for impost, and shall be allowed him, accordingly, by the treasurer in his accompts. And the naval officer shall not clear any vessel, until he be also certified, by the said commissioner, that the duty of tunnage for the same is paid, or that it is such a vessel for which none is payable according to this act.

*And be it further enacted by the authority aforesaid,*

[SECT. 21.] That there be one fit person, and no more, nominated and appointed by this court, as a commissioner and receiver of the aforesaid duties of impost and tunnage of shiping, and for the inspection, care and management of the said office, and whatsoever relates thereunto, to receive commission for the same from the governour or commander-in-chief for the time being, with authority to substitute and appoint a deputy receiver in each port, and other places besides that wherein he resides, and to grant warrants to such deputy receivers for the said place, and to collect and receive the impost and tunnage of shiping aforesaid that shall become due within such port, and to render the account thereof, and pay in the same, to the said commissioner and receiver: which said commissioner and receiver shall keep fair books of all entries and duties arising by virtue of this act; also, a particular account of every vessel, so that the duties of impost and tunnage arising on the said vessel may appear; and the same to lye open, at all seasonable times, to the view and perusal of the treasurer and receiver-general of this province (or any other person or persons whom this court shall appoint), with whom he shall accompt for all collections and payments, and pay all such moneys as shall be in his hands, as the treasurer or receiver-general shall demand it. And the said commissioner or receiver and his deputy and deputies, before their entring upon the execution of their office, shall be sworn to deal truly and faithfully therein, and shall attend in the said office from nine to twelve of the clock in the forenoon, and from two to five of the clock in the afternoon.

[SECT. 22.] And the said commissioner and receiver, for his labour, care and expences in the said office, shall have and receive, out of the province treasury, the sum of twenty pounds, the present emission, per annum; and his deputy or deputies to be paid for their service such sum or sums as the said commissioner and receiver, with the treasurer, shall agree upon, not exceeding seven pounds ten shillings each. And the treasurer is hereby ordered, in passing and receiving the said commissioner's accompts, accordingly, to allow the payment of such salary or salaries, as aforesaid, to himself and his deputy or deputies.

*Provided,*

[SECT. 23.] That this act shall be and continue in force from the last day of the present session until the thirtieth day of December, which will be in the year of our Lord one thousand seven hundred and forty-two, and to the end of the next session of the general court, and no longer. [*Passed April 23; published April 24, 1742.*]

NOTES.—A General Court was convened this year, on the 26th of May, but was dissolved the next day by Governor Belcher, because the House chose councillors favorable to the Land-bank scheme. No acts were passed by this Assembly.

A new Assembly was convened July 8, and sat until August 8, when it was prorogued to August 11, and sat three days,—being adjourned from the 13th to the 17th, on which

day the new Governor (Shirley) took his seat at the Council board. It was again adjourned, August 29, to September 16, and then sat until October 16; and then adjourned again to November 25. From the last date it continued in session until January 22, 1741-42, when it was adjourned to March 17, from which time it sat until its dissolution, April 23, 1742. The session beginning August 11, must, since it followed a prorogation, be considered the second session; and, for the reasons given in the NOTES to the acts of the year 1732-33, the last three sittings are regarded as separate sessions. No acts were passed at the second session.

The engrossments of all the acts of this year, except chapter 16, are preserved; and all were printed with the sessions-acts, except chapter 24.

The acts of the first session were delivered to the clerk of the Privy Council, in waiting, February 3, 1741-42; referred to the committee on plantation affairs, February 13; and by them referred to the Board of Trade, February 19. They were submitted to Mr. Fane, March 3, 1741-42, who reported that he had no objection to any of them in point of law, July 30, 1742. The representation of the Lords of Trade was signed July 12, 1741, in which they declare that, as chapters 2 and 3 "relate only to the Economy of the Province we see no reason why His Majesty may not be graciously pleased to confirm the same"; and that chapters 1, 4, 5 and 6, "are for a temporary service and expire as underneath." Accordingly an order passed in Council, August 9, 1741, confirming all these acts.

The acts of the third and fourth sessions were delivered to the clerk of the Council, by the agent of the Province, August 27, 1742; they were referred to the committee on plantation affairs, September 15, following; and to the Board of Trade, November 24. They were next sent to Mr. Fane, December 9; and he reported "no objection," &c., December 14. The Lords of Trade made their "representation" on chapters 11 and 12, June 15, 1743; and the order in Council confirming those acts passed on the 30th of the same month.—See note to those chapters, *post*. A further representation respecting the remaining acts of these sessions was signed June 20, 1745, in which chapters 8, 9 and 10 are declared to have been "for a temporary service & have had their effect"; chapters 13, 14 and 16,—"the first of which relates to the publick service and security, and the other three to the private Economy of the Province, are enacted for the better convenience thereof, and we see no reason why His Majesty may not be graciously pleased to confirm them"; and chapters 15 and 17 are specially reported upon. The observations of the Board upon the two chapters last mentioned are given in the notes to those chapters, respectively. An order in Council followed, on the 18th of July, confirming chapters 7, 13, 14, 15, 16 and 17.

The acts of the fourth session were again delivered, together with the acts of the fifth session, to the clerk of the Council, July 8, 1743. They were referred to the committee on plantation affairs July 8; and to the Lords of Trade July 24, who reported, April 17, 1746, upon the acts of the fifth session, that they had been submitted to Mr. Fane, and that he had "no objection to any of them in point of law." They also reported that chapters 23 and 24 "are either expired, or the purposes for which they were enacted have been completed"; and that chapters 18, 19, 20, 21 and 22, "relating to the Economy of the Province are enacted for the private convenience thereof, and we see no reason why His Majesty may not be graciously pleased to confirm them." Chapters 18, 19, 20, 21 and 22, were, accordingly, confirmed by an order in Council, passed May 28, 1746.

*Chaps. 11 and 12.*—"We have also consulted Mr Fane, one of His Majesty's Counsel at Law upon those Acts, who has no objection to them in point of law; but we beg leave to acquaint your Lordships,

That it is proposed by the first of these Acts to emit the sum of thirty thousand pounds in Bills of Credit to defray certain Expences of Government, Repairs of Fortifications, Charges of Troops rais'd, Wages of Soldiers, & Seamen incurred, but not provided for, the said Bills to be drawn in by Taxes to be levy'd on Polls & Estates in the Years 1742, 1744, 1745 & 1746, which Taxes may be paid in the said Bills of Credit or in coined silver at 6<sup>s</sup> 8<sup>d</sup> per oz troy wt or in certain merchantable Commodities mentioned in the said Bill at a price to be set by the General Assembly & to be paid in at the Treasury, at the risk & charge of the persons so paying, That the Treasurer is empowered to sell the same to the best advantage for said Bills, or silver at the rate above-mentioned & if any deficiency shall happen by the sale of the said Goods, or by any unforeseen Accident, the same shall be made good by a Tax of the year next following.

Whereupon We must observe to your Lordships that the provision made for the drawing in of these Bills will be an anticipation of the Taxes of the years 1742, 1744, 1745 and 1746 & will continue the Currency of some part of these Bills, till the end of the year 1746.

That the allowance of payments for these Taxes in Commodities of the Produce & Manufacture of the Province, We apprehend may cause an annual deficiency in the said Taxes.

But as the Act provides, that such Deficiencies shall be made good the subsequent year & as the sum emitted by this Act does not exceed that allowed for the current service of the Province, by His Majesty's Instructions, We would humbly submit whether the said Act may not receive His Majesty's Royal Approbation, The other Act being calculated to support the credit of the preceding & relative to the same, We are humbly of opinion that if His Majesty should be pleased to approve of the first Act, this also may receive His Majesty's Royal Approbation.

We are My Lords Your Lordships most obedient and most humble Servants

MONSON  
M. BLADEN  
IA. BRUDENELL  
R. PLUMER  
B. KEENE.

(signed)

WHITEHALL June 15<sup>th</sup> 1743."

—Representation of the Lords of Trade, "Mass. Bay; B. T.," vol. 84, p. 98.



*Chap. 11, § 11.*—"April 15, 1742. In the House of Representatives; Whereas the £1500 appropriation and also the £2500 appropriation for the Pay of the Representatives made in the last Supply Act are very near, if not quite, exhausted, and there is a considerable surplusage in sundry other Appropriations, Therefore,

Voted that the sum of Two Hundred and Fifty Pounds be transfer'd from the £2500 Appropriation for the Payment of His Majesty's Council, to the £1500 Appropriation for Non Establishments; and that the sum of Three Hundred Pounds be transferred from the £4300 Appropriation, to the £2500 Appropriation for Payment of the Representatives. In Council: Read and Concur'd Consented to W. SHIRLEY."

—*Council Records, vol. XVII., b. 3, p. 338.*

*Chap. 12.*—"April 16, 1742. In the House of Representatives; Ordered that the Province Treasurer, Receiver of Impost, the several Commissioners of Excise and the Collectors of the Taxes be and hereby are fully authorized and empowered to receive (as often as tendered) in their said Offices and capacities, Bills of Credit of this Government of the last Emission, for such Rates Taxes and Dues as were to have been discharged by other Bills, and in the following proportions, viz<sup>t</sup> One Pound in the said last emitted Bills For Four Pounds Old Tenor or One Pound six shillings and eight pence in Bills of the New Tenor, and so pro rata. And to prevent any deficiency which might thereby happen in the funds laid for bringing in the Bills of the former Emissions:—

Ordered that the above mentioned Officers and Receivers shall and hereby have equal power to receive (in the fore mentioned proportion) Bills of the former Emissions in discharge of the dues which the Bills of the last Emission were made to discharge. In Council: Read and Concur'd Consented to W. SHIRLEY."

—*Ibid., p. 348.*

"Decem<sup>r</sup> 29, 1742. In the House of Representatives; Voted that the Province Treasurer be and hereby is directed to exchange Bills of the last Emission for Bills of the Middle Tenour commonly so called, in the following manner, that is to say, a Twenty Shilling Bill of the last Emission for a Twenty Shilling Bill of the Middle Tenour, and so pro Rata for a greater or less sum."—*Ibid., p. 579.*

*Chap. 13.*—"July 11, 1740. In the House of Representatives Voted that the sum of Six thousand five hundred Pounds be granted and paid out of the Province Treasury for the purchasing a suitable vessel to guard the Coast and fitting for the Sea and equipping her with twelve carriage guns and other warlike stores; and that Mr Hutchinson and Cpt. Watts with such as shall be joined by the Hon<sup>ble</sup> Board be a Committee to take care, with the Captain Generals leave, that the same be effected in the cheapest and best manner.

In Council; Read and Concur'd and Jacob Wendell & Richard Bill Esq<sup>rs</sup> are joined in the affair. Consented to J. BELCHER."

—*Council Records, vol. XVII., b. 2, p. 387.*

"July 11, 1740. In the House of Representatives Voted that in case the Vessel proposed to be built for the service of the Province shall be provided and fitted for the Sea before the next sitting of this Court, and that it shall be judged necessary upon any emergency or otherwise she be employed, sent away on any Cruise or Expedition; that then His Excellency the Governor, with the Advice of the Council, be desired to give such encouragement, to Officers and others who shall be Volunteers in said service, as they shall judge reasonable, or otherwise to impress a sufficient number of men & make provision for their subsistence during their continuance in said service. In Council; Read and Concur'd Consented to J. BELCHER."

—*Ibid., p. 388.*

"August 29, 1740 Jacob Wendell Esq<sup>r</sup> from the Committee appointed to make an estimate of the charge of the Guard Vessel, reported as follows; vizt.,—

The Committee appointed to Estimate the charge of building and fitting the Vessel designed for the service of the Province report, as their Opinion, That the said Vessel with her appurtenances fitted to the Sea in the most prudent manner, will cost (exclusive of Stores of War) at least Six Thousand five hundred pounds, the sum already granted by this Court for that purpose, and that the further sum of Three Thousand five hundred Pounds will be necessary in order to procure guns and other needful Warlike Stores for the said Vessel.

Which is humbly submitted; By Order

JACOB WENDELL

In the House of Representatives Read, and thereupon Voted that the sum of Three Thousand five hundred Pounds or so much thereof as may be necessary to procure Guns and other Warlike Stores for the Vessel designed for the service of the Province, be granted and paid out of the publick Treasury to the Committee appointed for building and fitting said Vessel to the Sea in order to compleat that Work: The Committee to be accountable for the same.

In Council; Read and Concur'd

Consented to

J. BELCHER."

—*Ibid., p. 402.*

"April 1, 1741.—The Secretary carried down by His Excellency's Order a Memorial of Cpt. Edward Tyng to His Excellency, moving that some provision may be made for paying the charge of victualling and manning His Majesty's Snow the Prince of Orange under his command, with a Message from His Excellency that the House would take the matter into immediate consideration, it being of great importance to the interests of the Province."—*Ibid., p. 528.* See also *Ibid., b. 3, pp. 120, 190, 191, 195, 275.*

"The loss of the snow Prince of Orange, belonging to the Province, and supposed to be overset, was a heavy blow upon the town of Marblehead, the captain and most of the crew belonging to that town."—*Hutchinson Hist. Mass., First Ed., vol. II., p. 422, temp. 1745.*

*Chap. 15.*—"The following Act, Entituled \* \* \* Enacts that in cases of appeal from the judgment of the Inferior Courts of Law, the Appellant shall not be required to file and produce Reasons of his Appeal, but the cause may be entred and tried without



any reasons filed or produced, as heretofore hath been accustomed; which being an alteration of former Laws of this Province, a Clause suspending the execution thereof until His Majesty's pleasure should have been known ought to have been inserted therein. But as no other objection has occurred to us against this Act, and as it tends to prevent needless expences and delays in the Courts of Common Law, We humbly take leave to propose that his Majesty may be graciously pleased to confirm the same."—*From representation of Lords of Trade, "Mass. Bay: B. T.," vol. 84, p. 146.*

*Chap. 17.*—"In our Report to Your Lordships dated the 8th of June 1743, We gave our Reasons against this method of settling and dividing Townships, since which His Majesty has been pleased to send an Instruction to His Governor, directing him not to give his assent, for the future, to any Bill for erecting a new Town or dividing an old one without a suspending clause be inserted therein; However as His Majesty had not signified his Pleasure upon this subject at the time when this Act passed, and as there is reason to believe the same may have been carried into Execution and that a Precept or Writ may have been issued to the Town, thereby erected, to send Representatives to the Assembly, We would humbly submit whether His Majesty may not be advised to confirm the said Act."  
—*Ibid.*

# TABLE

*Showing the beginning and end of each year of the reigns of the Sovereigns of England, from the beginning of the second year of George the First, to the end of the fifteenth year of George the Second.*

2d of George the First, . . . . .	from Aug. 1, 1715, to Aug. 1, 1716.
3d of George the First, . . . . .	" 1, 1716, " 1, 1717.
4th of George the First, . . . . .	" 1, 1717, " 1, 1718.
5th of George the First, . . . . .	" 1, 1718, " 1, 1719.
6th of George the First, . . . . .	" 1, 1719, " 1, 1720.
7th of George the First, . . . . .	" 1, 1720, " 1, 1721.
8th of George the First, . . . . .	" 1, 1721, " 1, 1722.
9th of George the First, . . . . .	" 1, 1722, " 1, 1723.
10th of George the First, . . . . .	" 1, 1723, " 1, 1724.
11th of George the First, . . . . .	" 1, 1724, " 1, 1725.
12th of George the First, . . . . .	" 1, 1725, " 1, 1726.
13th of George the First, . . . . .	" 1, 1726, to June 11, 1727.
1st of George the Second, . . . . .	from June 11, 1727, " 11, 1728.
2d of George the Second, . . . . .	" 11, 1728, " 11, 1729.
3d of George the Second, . . . . .	" 11, 1729, " 11, 1730.
4th of George the Second, . . . . .	" 11, 1730, " 11, 1731.
5th of George the Second, . . . . .	" 11, 1731, " 11, 1732.
6th of George the Second, . . . . .	" 11, 1732, " 11, 1733.
7th of George the Second, . . . . .	" 11, 1733, " 11, 1734.
8th of George the Second, . . . . .	" 11, 1734, " 11, 1735.
9th of George the Second, . . . . .	" 11, 1735, " 11, 1736.
10th of George the Second, . . . . .	" 11, 1736, " 11, 1737.
11th of George the Second, . . . . .	" 11, 1737, " 11, 1738.
12th of George the Second, . . . . .	" 11, 1738, " 11, 1739.
13th of George the Second, . . . . .	" 11, 1739, " 11, 1740.
14th of George the Second, . . . . .	" 11, 1740, " 11, 1741.
15th of George the Second, . . . . .	" 11, 1741, " 11, 1742.

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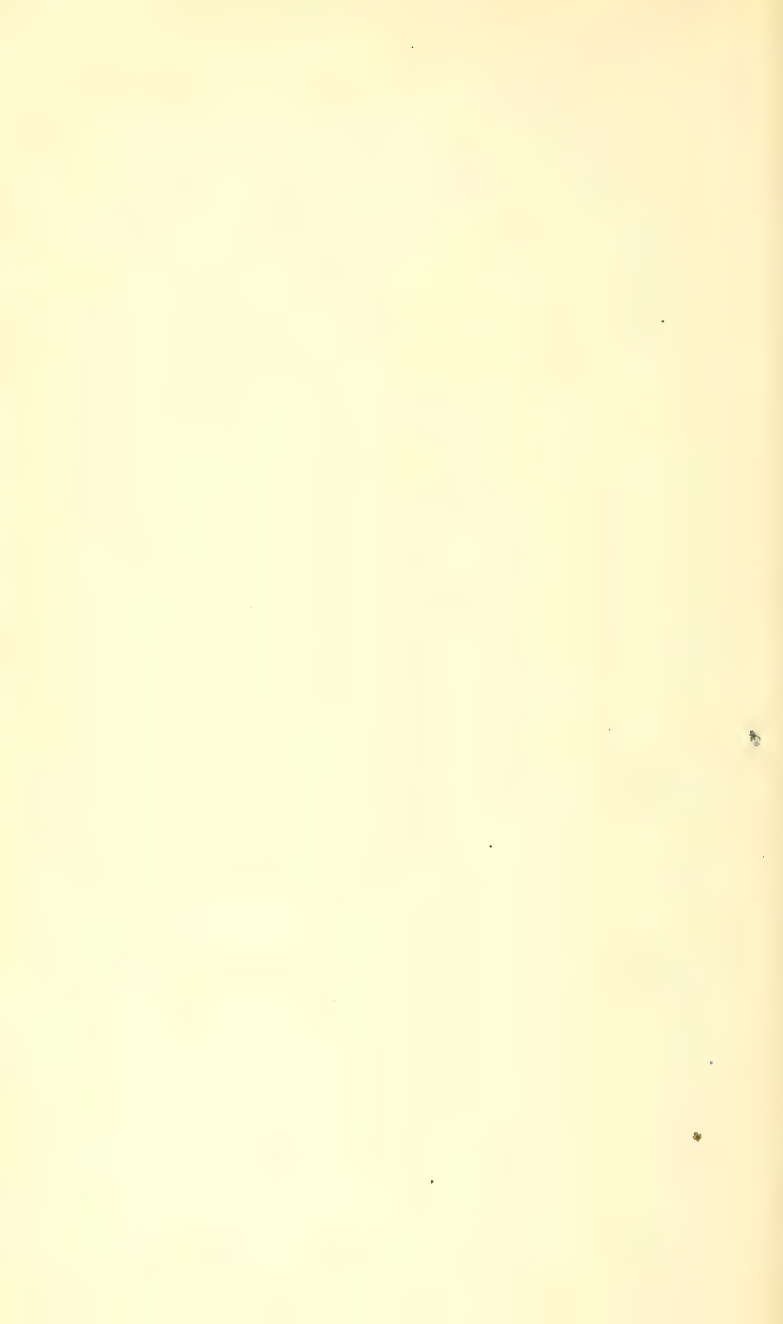
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# LIST OF THE ACTS AND RESOLVES

CONTAINED IN THIS VOLUME.



# LIST OF THE PUBLIC ACTS.\*

Page.	TITLES.	Date of Passage.	Disallowed by Privy Council.	Expired or had its effect.
	<b>1715-16.—FIRST SESSION.</b>	1715.		
5	Chapter 1. An act against burglary [1692-3, chap. 18, § 4],	June 14,	-	- -
5	Chapter 2. An act for altering the time for holding the court of general sessions of the peace, and inferiour court of common pleas within the county of Barnstable [1699-1700, chap. 1, § 2; 1699-1700, chap. 2, § 2],	June 14,	-	- -
6	Chapter 3. An act for the better preserving, increasing and securing naval stores (particularly tar, turpentine and rozin) within this province [see 1694-5, chap. 14],	June 21,	-	- -
	<b>SECOND SESSION.</b>			
7	Chapter 4. An act for building and maintaining a light-house upon the Great Brewster (called Beacon Island), at the entrance of the harbour of Boston [1697, chap. 3, § 15],	July 23,	-	- -
8	Chapter 5. An act for the more safe keeping the registry of deeds and conv[e]nances of lands [1697, chap. 21, § § 1 and 5; 1697, chap. 21, § 5],	July 26,	-	- -
9	Chapter 6. An act in addition to an act for regulating fees [1692-3, chap. 37; 1697, chap. 21, § 5],	July 26,	-	- -
9	Chapter 7. An act in addition to an act of limitation for quieting of possessions [1697, chap. 22],	July 28,	-	- -
10	Chapter 8. An act for granting unto his majesty several rates and duties of impost and tunnage of shipping,	July 23,	-	June 29, 1716.
15	Chapter 9. An act granting unto his majesty an excise upon wines, liquors and other strong drink sold by retail [1711-12, chap. 6],	July 23,	-	June 29, 1716.
17	Chapter 10. An act for establishing a rule for the apportioning of town and county assessments for the year seventeen hundred and fifteen,	July 23,	-	May 31, 1716.
17	Chapter 11. An act for apportioning and assessing a tax of eleven thousand pounds, upon polls and estates,	July 30,	-	May 31, 1716.
	<b>FOURTH SESSION.</b>			
23	Chapter 12. An act in addition to an act for erecting of a powder-house in Boston [1706-7, chap. 4],	Dec. 13,	-	- -
24	Chapter 13. An act to prevent the oppression of debtors [1712-13, chap. 6],	Dec. 12,	-	- -
24	Chapter 14. An act for preventing damage to the housing and other estate within the several towns of this province,	Dec. 14,	-	- -
25	Chapter 15. An act in addition to the act intituled "An act against counterfeiting the bills of credit of this province," pass'd in the third year of her late majesty, Queen Anne [1704-5, chap. 8],	Dec. 12,	-	- -
26	Chapter 16. An act in further addition to the act for encouraging the killing of wolves, made in the fifth year of the reign of King William and Queen Mary [1693, chap. 6; 1694-5, chap. 26],	Dec. 12,	-	- -

\* Acts terminating with the Indian war are here marked as expiring August 17, 1726, the date of the proclamation of peace at Boston; although a cessation of hostilities had been previously agreed to, and the articles of peace had been formally ratified some days earlier.

*List of the Public Acts—Continued.*

Page.	TITLES.	Date of Passage.	Disallowed by Privy Council.	Expired or had its effect.
<b>1715-16.—FOURTH SESSION—Con.</b>		<b>1715.</b>		
26	Chapter 17. An act for maintaining and propagating of religion [1692-3, chap. 26; 1692-3, chap. 46, § 7; 1702, chap. 10; 1706-7, chap. 9],	Dec. 20,	-	Dec. 20, 1722.
27	Chapter 18. An act for reviving and further continuing of an act intituled "An act to inable creditors to receive their just debts out of the effects of their absent and absconding debtors," made and pass'd by the great and general court or assembly, at their session upon the [26 <sup>th</sup> ] [twenty-sixth] day of May, 1708, in the seventh year of the reign of her late majesty, Queen Anne [1708-9, chap. 7], .	Dec. 12,	-	June 30, 1723.
28	Chapter 19. An act for the encourag[e]ing the raising hemp within this province [1701-2, chap. 13],	Dec. 20,	-	Dec. 20, 1725.
28	Chapter 20. An act for holding and keeping a superiour court of judicature, court of assize and general goal delivery, within and for the county of Hampshire [1692-3, chap. 33, § 7; 1693-4, chap. 11, § 4; 1699-1700, chap. 3, § 2; 1703-4, chap. 8], .	Dec. 20,	-	Dec. 20, 1718.
29	Chapter 21. An act to prevent the unnecessary journ[e]ying of the representatives, .	Dec. 20,	-	- -
30	Chapter 22. An act for the better regulating of town and proprietary meetings [1692-3, chap. 28],	Dec. 22,	-	- -
31	Chapter 23. An act in addition to the act intituled "An act for the regulating of townships, choice of town officers, and setting forth their power," made and passed in the fourth of William and Mary [1692-3, chap. 28], .	Dec. 20,	-	- -
31	Chapter 24. An act in addition to an act entitled "An act for the settlement and distribution of the estates of intestates," made and pass[e]d in the fourth year of the reign of King William and Queen Mary [1692-3, chap. 14], . . . . .	Dec. 22,	-	- -
<b>1716-17.—FIRST SESSION.</b>		<b>1716.</b>		
39	Chapter 1. An act for granting unto his majesty an excise upon wines, liquor, and other strong drink, sold by retail, .	June 27,	-	June 29, 1721.
41	Chapter 2. An act for the more effectual discovering of the reatable estates within this province, for a just and true valuation thereof [1707, chap. 7]. [ <i>Passed to be engrossed</i> .	June 21,	-	- -
42	Chapter 3. An act in further addition to an act entitled "An act for making [of] lands and tenements l[e]n[e]able to the payment of debts," made and pass[e]d in the eighth year of the reign of King William [1696, chap. 10; see 1692-3, chap. 46, § 5; 1712-13, chap. 8],	June 19,	-	- -
43	Chapter 4. An act for reviving and further continuing of an act entitled "An act directing how rates and taxes to be granted by the general assembly shall be assessed and collected," made and passed by the great and general court or assembly at their session upon the thirty-first day of May, one thousand six hundred and ninety-nine, in the twelfth year of the reign of King William the Third [1699-1700, chap. 26; see 1707, chap. 2],	June 26,	-	June 30, 1717.
44	Chapter 5. An act relating to the great bridge in Bilerica [1699-1700, chap. 25], . . . . .	June 26,	-	- -



*List of the Public Acts—Continued.*

Page.	TITLES.	Date of Passage.	Disallowed by Privy Council.	Expired or had its effect.
<b>1716-17.—FIRST SESSION—<i>Con.</i></b>		1716.		
44	Chapter 6. An act stating the fees of the custom-house officers within this province [1692-3, chap. 37].	June 20,	-	- -
45	Chapter 7. An act in addition to the act for regulating fees, made and pass'd in the fourth year [of the reign] of King William and Queen Mary, stat[ing] the fees of the officers of the court of admiralty [1692-3, chap. 37].	June 25,	-	- -
46	Chapter 8. An act in further addition to an act, entitled "An act relating to sureties upon mean process in civil actions," made and passed at a session of the general court or assembly the eighth of November, 1693, in the fifth year of the reign of King William and Queen Mary [1693-4, chap. 1].	June 19,	-	- -
47	Chapter 9. An act for the further continuing of an act, entitled "An act for the better regulation of swine going at large; in addition to the act for the regulating of fences, catel, &c., and for the explanation thereof," made and passed by the great and general court or assembly, at their session upon Wednesday, the tenth of February, 1713, in the twelfth year of the reign of her late majesty, Queen Anne [1713-14, chap. 16].	June 16,	-	June 30, 1721.
47	Chapter 10. An act for the further continuing of an act, entitled "An act against hawkers, pedlers and petty chapmen," made and passed by the great and general court or assembly at their session upon Wednesday, 27th of May, 1713, in the twelfth year of the reign of her late majesty, Queen Anne [1713-14, chap. 7].	June 16,	-	June 30, 1726.
47	Chapter 11. An act for granting unto his majesty several rates and duties of impost and tunnage of shipping,	June 26,	-	June 29, 1717.
52	Chapter 12. An act for apportioning and assessing a tax of eleven thousand fifty-one pounds thirteen shillings and ten pence upon polls and estates,	June 25,	-	May 31, 1717.
<b>THIRD SESSION.</b>				
58	Chapter 13. An act in addition to the act intituled "An act for the better observation and keeping of the Lord's day," made and pass'd by the great and general court or assembly at a sessions held at Boston, the 12th day of October, 1692, in the fourth year of the reign of their late majestys, King William and Queen Mary [1692-3, chap. 22, § 1; 1692-3, chap. 22, § 2].	Nov. 26, Dec. 1,	- -	- -
59	Chapter 14. An act for setting of grants,		-	-
59	Chapter 15. An act in addition to the act intituled "An act for the punishing criminal offenders" [1692-3, chap. 18, § 3; and see 1698, chap. 8; 1702, chap. 9; 1711-12, chap. 5].	Dec. 1,	-	-
60	Chapter 16. An act in addition to an act for the orderly consummating of marriages, made and pass'd in the seventh year of the reign of King William the Third [1692-3, chap. 25; 1695-6, chap. 2, § 4].	Dec. 1,	-	-
61	Chapter 17. An act for the more effectual preventing default in the appearance of jurors [1698, chap. 13].	Nov. 29,	-	-
61	Chapter 18. An act for the making and emitting the sum of one hundred thousand pounds in bills of credit on this province, in such manner			

*List of the Public Acts—Continued.*

Page.	TITLES.	Date of Passage.	Disallowed by Privy Council.	Expired or had its effect.
	<b>1716-17.—THIRD SESSION—Con.</b>	1716.		
	as in the said act is hereafter expressed [1698, chap. 22], . . . . .	Dec. 4,	-	- - -
	<b>FOURTH SESSION.</b>	1717.		
65	Chapter 19. An act for the bringing forward all writts, pleas and other process which were to have been heard and tryed at the general sessions of the peace and inferior court of common pleas, respectively, at their sessions on the first Tuesday of March, 1716, unto the court of general sessions of the peace and inferior court of common pleas, holden at Plymouth on the third Tuesday of June, 1717, . . . . .	April 12,	-	June 18, 1717.
	<b>1717-18.—FIRST SESSION.</b>			
73	Chapter 1. An act in addition to and explanation of two acts referring to the regulating of fees, &c. [1692-3, chap. 37; 1715-16, chap. 6], . .	June 27,	-	- - -
73	Chapter 2. An act for reviving and further continuing of an act entitled "An act for explanation of, and suppl[em]t to, the act referring to the poor," &c., made in the ninth year of the reign of Queen Ann[c] [1710-11, chap. 6], . . . . .	June 19,	-	June 30, 1720.
74	Chapter 3. An act to enable the commissioners for bankrupts' estates to finish the business of their commissions [1713-14, chap. 14], . . . . .	June 22,	-	- - -
74	Chapter 4. An act in addition to an act entitled "An act relating to the duty and office of a coroner," made in the twelfth year of the reign of King William the Third [1700-1, chap. 3, § 10], . . . . .	June 17,	-	- - -
75	Chapter 5. An act for reviving and further continuing of an act entitled "An act directing how rates and taxes to be granted by the general assembly shall be assessed and collected," made and passed by the great and general court or assembly at their sessions upon the thirty-first day of May, one thousand six hundred and ninety-nine, in the twelfth year of the reign of the late King William [1699-1700, chap. 26; see 1716-17, chap. 4], . . . . .	June 17,	-	June 30, 1722.
75	Chapter 6. An act for granting unto his majesty several rates and duties of impost and tunnage of shipping, . . . . .	June 22,	-	June 29, 1718.
80	Chapter 7. An act for apportioning and assessing a tax of eleven thousand pounds, upon polls and estates, . . . . .	June 22,	-	May 31, 1718.
	<b>SECOND SESSION.</b>			
86	Chapter 8. An act for altering the time of holding a superiour court of judicature, court of assize and general goal delivery, within and for the county of Hampshire, and for reviving all actions and process lately depending there, and discontinued by reason of the court's not meeting [1715-16, chap. 20], . . . . .	Nov. 19,	-	- - -
87	Chapter 9. An act for the further regulating the so[n]ldiers in his majesty's service at Castle William [see 1708-9, chap. 8], . . . . .	Nov. 20,	-	July 7, 1722.

*List of the Public Acts—Continued.*

Page.	TITLES.	Date of Passage.	Disallowed by Privy Council.	Expired or had its effect.
<b>1717-18.—SECOND SESSION—Con.</b>		1717.		
87	Chapter 10. An act for the better regulation of fowling [1710-11, chap. 13].	Nov. 12,	-	Dec. 10, 1724.
88	Chapter 11. An act in further addition to the act for encouraging the killing of wolves, made in the fifth year of the reign of King William and Queen Mary [1693, chap. 6; 1694-5, chap. 26; 1715-16, chap. 16].	Nov. 12,	-	July 7, 1722.
<b>THIRD SESSION.</b>		1717-18.		
90	Chapter 12. An act in addition to the act intituled "An act for the better preservation and increase of deer," made and passed by the great and general court or assembly, at their session held at Boston, the fifteenth day of November, 1698, in the tenth year of the reign of his late majesty, King William the Third [1698, chap. 21].	Feb. 13,	-	-
91	Chapter 13. An act for altering the time for holding the superiour court of judicature, court of assize and general goal delivery, within the county of Plymouth [1699-1700, chap. 3, § 2].	Feb. 13,	-	-
91	Chapter 14. An act in addition to an act intituled "An act providing in case of sickness" [1701-2, chap. 9].	Feb. 14,	-	July 2, 1723.
92	Chapter 15. An act for calling in of province bills of credit, outstanding, of former plates, sign'd with three hands only [1710-11, chap. 12; 1713-14, chap. 11].	Feb. 14,	-	-
<b>1718-19.—FIRST SESSION.</b>		1718.		
99	Chapter 1. An act in addition to an Act pass'd in the first year of Queen Ann <sup>[c]</sup> , entitled "An act more effectually providing for the support of ministers [1702, chap. 10, § 2].	June 19,	-	-
100	Chapter 2. An act in addition to the several acts for settlement and support of school-masters [&c] [1692-3, chap. 26; 1701-2, chap. 10; and see 1711-12, chap. 6, §§ 17, 18].	June 17,	-	-
100	Chapter 3. An act in further addition to an act intituled "An act for regulating fences, cattle," &c. [1693-4, chap. 7; 1698, chap. 12; 1712-13, chap. 9].	June 14,	-	-
101	Chapter 4. An act for the better regulating the culling of fish [see 1692-3, chap. 17, § 8].	June 25,	1721.	-
102	Chapter 5. Act in addition to the act for encouraging the raising of hemp within this province, made in the second year of his majest[y] [ie]'s reign [1715-16, chap. 19].	May 7,	-	-
102	Chapter 6. An act for the further regulation of ferries [1696, chap. 14; 1711-12, chap. 8].	June 21,	-	Dec. 20, 1725.
103	Chapter 7. An act in addition to an act made in the second year of his present majesty's reign, entitled "An act for granting unto his majesty an excise upon wines, liquor and other strong drink, sold by retail [1716-17, chap. 1, § 2].	June 23,	-	-
103	Chapter 8. An act in addition to an act entitled "An act for the making and emitting the sum of one hundred thousand pounds in bills of credit on this province, in such manner as in the said act is expressed" [1716-17, chap. 18, § 4].	June 25,	-	June 29, 1721.
		June 25,	-	-

*List of the Public Acts—Continued.*

Page.	TITLES.	Date of Passage.	Disallowed by Privy Council.	Expired or had its effect.
<b>1718-19.—FIRST SESSION—Con.</b>		<b>1718.</b>		
104	Chapter 9. An act in addition to the act for preventing abuses to the Indians, made in the twelfth year of King William [1700-1, chap. 9],	June 21,	-	- - -
104	Chapter 10. An act for the regulation and limiting credit in trade, and for the preventing the double payment of debts,	June 25,	-	June 25, 1723.
105	Chapter 11. An act for the better inquiry into the rat[er]able estate of this province [see 1707, chap 7; and 1716, chap. 2],	July 1,	-	Aug. 31, 1718.
107	Chapter 12. An act for granting unto his majesty several rates and dutys of impost and tunnage of shipping,	June 28,	1719. May 26,	- -
112	Chapter 13. An act for apportioning and assessing a tax of eight thousand two hundred and fifty pounds upon polls and estates, . . .	July 5,	-	May 31, 1719.
<b>SECOND SESSION.</b>				
119	Chapter 14. An act for the preventing of persons under age, apprentices or servants, being transported out of the province without the consent of their masters, parents or guardians [1694-5, chap. 23], . . .	Nov. 15,	-	- - -
119	Chapter 15. An act for the ease of prisoners for debt [see 1705-6, chap. 1],	Nov. 19,	-	Dec. 6, 1721.
120	Chapter 16. An act for preventing deceit in the gage of cask [1692-3, chap. 49], . . .	Dec. 4,	-	May 30, 1722.
121	Chapter 17. An act prohibiting the bills of credit on this province, signed by three hands only, to pass from man to man, or have any further currency, after the time herein limited [1717-18, chap. 15], . . .	Dec. 3,	-	- - -
122	Chapter 18. An act for the further continuing of an act entitled "An act to prevent the unnecessary journeying of representatives," made in the second year of the reign of King George [1715-16, chap. 21], . . .	Nov. 7,	-	Nov. 20, 1721.
122	Chapter 19. An act for constituting a special court of oyer and terminer [in] and for the county of Hampshire [1717-18, chap. 8], . . .	Nov. 27,	-	Dec. 16, 1718.
<b>1719-20.—FIRST SESSION.</b>		<b>1719.</b>		
135	Chapter 1. An act for the punishing and preventing of duelling,	June 16,	-	- - -
135	Chapter 2. An act in addition to an act entitled "An act in further addition to the act for encouraging the killing of wolves, made in the fifth year of the reign of King William and Queen Mary [1715-16, chap. 16, § 2], . . .	June 30,	-	June 30, 1723.
136	Chapter 3. An act in addition to an act for erecting a powder-house in Boston [1706-7, chap. 4; 1715-16, chap. 12], . . .	June 23,	-	- - -
137	Chapter 4. An act for the altering the time for the sitting of the court of general sessions of the peace, and inferior court of common pleas, within and for the county of Essex, in the month of March [1699-1700, chap. 2, § 2; 1711-12, chap. 3, § 6], . . .	June 12,	-	- - -
137	Chapter 5. An act for the altering the time for the sitting of the court of general sessions of the peace and court of common pleas in the county of Dukes county [1699-1700, chap. 2, § 2], . . .	June 11,	-	- - -

*List of the Public Acts—Continued.*

Page.	TITLES.	Date of Passage.	Disallowed by Privy Council.	Expired or had its effect.
<b>1719-20.—FIRST SESSION—Con.</b>		1719.		
138	Chapter 6. An act for the granting unto his majesty several rates and duty's of impost and tunnage of shipping, . . .	June 30,	-	June 29, 1720.
143	Chapter 7. An act for apportioning and assessing a tax of four thousand and ten pounds ten shillings and sixpence on polls and estates, . .	June 30,	-	May 31, 1720.
<b>SECOND SESSION.</b>				
149	Chapter 8. An act for the suppressing of lotteries, . .	Nov. 7,	-	- -
150	Chapter 9. An act in further addition to, and supplement of, an act entitled "An act for making lands and tenements liable to the payment of debts," made and passed in the eighth year of King William [1696, chap. 10; 1712-13, chap. 8; 1716-17, chap. 3], . .	Nov. 21,	-	- -
151	Chapter 10. An act for the regulation of the decrees and other proceedings of the several judges of probate in the respective counties of this province, and of appeals therefrom [see 1692-3, chap. 14], . .	Dec. 5,	-	- -
153	Chapter 11. An act in addition to an act entitled "An act requiring the taking the oaths appointed to be taken instead of the oaths of allegiance and supremacy," made in the fourth year of the reign of the late King William and Queen Mary, of blessed memory [1 Geo. I., chap. 13; 1692-3, chap. 34; 1 W. & M., 2d sess., chap. 2; 12 & 13 W. III., chap. 2], . .	Dec. 2,	-	- -
156	Chapter 12. An act requiring the several towns within this province to be provided with stocks, . .	Nov. 24,	-	- -
156	Chapter 13. An act for enlarging the fees of grand jurors, and for fixing an allowance to the superiour court of judicature for hearing petitions, and granting power for the sale of land [1694-5, chap. 24, § 6], . .	Dec. 5,	-	- -
156	Chapter 14. An act for enabling William Dummer, William Tailer, Samuel Sewall and Pen Townsend, Esqrs., and others, the trustees of the public lands in Hopkinton, in the county of Middlesex, in the province of the Massachusetts Bay in New England, to make long leases of the said land, . .	Dec. 3,	-	- -
157	Chapter 15. An act to prevent all questions and disputes about the election of town officers for the town of Barrington, in the county of Bristol, and for the further quiet settlement of the said town, . . . . .	Nov. 25,	-	- -
<b>1720-21.—FIRST SESSION.</b>		1720.		
165	Chapter 1. An act for altering the time for holding the superiour court of judicature, court of assize, and general goal delivery, within the counties of Essex, Hampshire and York [1699-1700, chap. 3, § 2; 1717-18, chap. 8, § 1], . .	July 19,	-	- -
166	Chapter 2. An act to regulate the price and assize of bread [1696, chap. 9]. . .	July 23,	-	- -
169	Chapter 3. An act for granting unto his majesty several rates and duties of impost and tunnage of shipping, . .	July 15,	-	June 29, 1721.
174	Chapter 4. An act for apportioning and assessing a tax of six thousand pounds seventeen shillings and threepence upon polls and estates, . .	July 23,	-	May 31, 1721.



*List of the Public Acts—Continued.*

Page.	TITLES.	Date of Passage.	Disallowed by Privy Council.	Expired or had its effect.
	<b>1720-21.—FIRST SESSION—Con.</b>	<b>1720.</b>		
180	Chapter 5. An act to enable the late constables of the town of Weymouth to recover the publick dues from the inhabitants of the said town who refuse to pay their taxes, by reason the selectmen who were assessors of the said town for time past have omitted and neglected to take the assessors' oath, .	July 23,	-	- - -
	<b>SECOND SESSION.</b>			
181	Chapter 6. An act to enable the several towns, precincts, districts and parishes, legally set[t] off, to ch[oo][u]se collectors, for the gathering any town, county, precinct, district or parish rates or assessments [1699-1700, chap. 26, § 10; 1707, chap. 2; 1692-3, chap. 35],	Nov. 29,	-	- - -
182	Chapter 7. An act for explanation of and supplement to an act referring to the poor, &c. [1692-3, chap. 28, § 7; 1703-4, chap. 14; 1710-11, chap. 6; 1717-18, chap. 2], .	Nov. 16,	-	- - -
183	Chapter 8. An act for altering the form of the certificate of payment[s] for wolves, made out of any town stock [1693, chap. 6, § 2; 1694-5, chap. 26; 1715-16, chap. 16; 1717-18, chap. 11; 1719-20, chap. 2], .	Nov. 18,	-	July 7, 1722.
184	Chapter 9. An act for the better regulating of swine [1693-4, chap. 7, § 7; 1713-14, chap. 16; 1716-17, chap. 9], .	Dec. 3,	-	June 28, 1726.
186	Chapter 10. An act against counterfeiting the bills of credit on this province, and the neighbouring governments [1711-12, chap. 1],	Nov. 22,	-	- - -
186	Chapter 11. An act in explanation of, and addition to, an act made in [the] thirteenth year of King William, entitled "An act for review in civil causes" [1701-2, chap. 6], .	Nov. 24,	-	- - -
187	Chapter 12. An act in addition to an act entitled "An act for the more safe keeping the registry of deeds and conveyances of lands," made in the first year of his present maj[esty]-[ie]'s reign [1715-16, chap. 5], .	Nov. 17,	-	- - -
187	Chapter 13. An act repealing and making void the form of the writ[t] of replevin directed to in an act entitled "An act prescribing the form of writ[t]s for possession, <i>scire facias</i> and replevin"; made in the thirteenth year of the reign [of] King William the Third; and establishing another form instead thereof [1701-2, chap. 3], .	Dec. 6,	-	- - -
	<b>THIRD SESSION.</b>	<b>1721.</b>		
189	Chapter 14. An act for the making and emitting the sum of fifty thousand pounds in bills of credit on this province, in such manner as is hereafter expressed [see 1716-17, chap. 18], .	Mar. 31,	-	May 31, 1730.
191	Chapter 15. An act in addition to an act made in the twelfth year of King William, entitled "An act directing how taxes to be granted by the general assembly shall be assessed and collected," and for the ratifying and confirming the proceedings of the assessors of precincts, districts and parishes, and the collecting of such rates and taxes as may have been made by such assessors, altho' not upon oath; and to empower committees of precincts, &c., to			

*List of the Public Acts—Continued.*

Page.	TITLES.	Date of Passage.	Disallowed by Privy Council.	Expired or had its effect.
	<b>1720-21.—THIRD SESSION—Con.</b>	1721.		
194	Chapter 16. An act for granting unto his majesty an excise upon wines, liquor and other strong drink, sold by retail, . . . call meetings [1699-1700, chap. 26, § 1; 1702, chap. 10, § 2], . . .	Mar. 28,	-	- -
	An act to prevent mispending money in taverns [1692-3, chap. 20, § 3; 1693-4, chap. 20; 1698, chap. 10; 1711-12, chap. 6], . . .	Mar. 30,	-	- -
	<b>1721.—FIRST SESSION.</b>			
203	Chapter 1. An act for granting unto his majesty an excise upon wines, liquor and other strong drink, sold by retail, . . .	June 16,	-	June 29, 1726.
206	Chapter 2. An act for granting unto his majesty several rates and duties of impost and tunnage of shipping, . . .	June 20,	-	June 29, 1722.
211	Chapter 3. An act for altering the place of the sitting of the court of general sessions of the peace and inferiour court of common pleas, for the county of Suffolk, in July and October next, and of the superiour court of judicature, court of assize and general goal delivery, to be held for the said county in November next, from the town of Boston to the town of Roxbury, within the said county, . . .	June 23,	-	- -
211	Chapter 4. An act for apportioning and assessing a tax of six thousand pounds, upon polls and estates, . . .	June 22,	-	May 31, 1722.
	<b>1721-22.—FIRST SESSION.</b>			
225	Chapter 1. An act for the more easy levying and regulating souldiers [see 1699-1700, chap. 19], . . .	Sept. 9,	-	Sept. 9, 1724.
228	Chapter 2. An act to prohibit trade and commerce with the Eastern Indians, . . .	Sept. 9,	-	- -
228	Chapter 3. An act to oblige all ships and other vessels coming from France, and other parts of the world infected with the plague, to perform quarantine [see 1717-18, chap. 14], . . .	Sept. 2,	-	Sept. -, 1724.
229	Chapter 4. An act to retrench the extraordinary expence at funerals, . . .	Sept. 9,	-	Sept. 9, 1724.
230	Chapter 5. An act for laying sundry duties on such goods as shall be imported into this province from the province of New Hampshire, and on such as shall be exported from this province thither, . . .	Sept. 8,	-	- -
	<b>SECOND SESSION.</b>			
232	Chapter 6. An act in addition to an act entitled "An act against hawkers, pedlars and petty chapmen," made and passed in the twelfth year of the reign of her late majesty Queen Anne, which act being temporary, was farther continued by an act made in the second year of the reign of his present majesty King George, till the thirtieth day of June, <i>anno Domini</i> 1726 [1713-14, chap. 7; 1716-17, chap. 10], . . .	Nov. 17,	-	June 30, 1726.
	<b>THIRD SESSION.</b>	1721-22.		
234	Chapter 7. An act to enable the town of Oxford to lay a tax on the resident and non-resident proprietors towards building their meeting-house, . . .	Mar. 22,	-	- -

*List of the Public Acts—Continued.*

Page.	TITLES.	Date of Passage.	Disallowed by Privy Council.	Expired or had its effect.
<b>1722-23.—FIRST SESSION.</b>		1722.		
241	Chapter 1. An act for encouraging the linnen manufacture, and the making of canvas or duck proper for ships' sails, &c., . . . . .	June 27,	-	June 28, 1727.
242	Chapter 2. An act to enable the overseers of the poor and selectmen to take care of idle and disorderly persons [1692-3, chap. 28, § 7; 1699-1700, chap. 8], . . . . .	July 3,	-	July 9, 1727
242	Chapter 3. An act for emitting five hundred pounds in small bills of several denominations, to be exchanged for larger bills by the province treasurer [see 1720-21, chap. 14], . . . . .	July 5,	-	- - -
243	Chapter 4. An act for reviving and further continuing several acts that are expired or near expiring [1699-1700, chap. 26; 1703-4, chap. 3, § 7; 1706-7, chap. 3; 1709-10, chap. 1; 1716-17, chap. 4; 1717-18, chap. 5; 1710-11, chap. 6; 1717-18, chap. 2; 1715-16, chap. 17; 1717-18, chap. 9; 1717-18, chap. 11; 1718-19, chap. 15; 1718-19, chap. 16], . . . . .	July 5,	-	July 3, 1730.
244	Chapter 5. An act in addition to the act directing the admission of town inhabitants, made and pass[ed] in the thirteenth year of the reign of King William the Third [1700-1, chap. 23, § 1], . . . . .	June 29,	-	- - -
246	Chapter 6. An act for the further establishing the town of Rutland, and empowering them to chuse all proper officers, and for empowering them to raise and collect moneys for the defraying the necessary charges of the said town, . . . . .	June 18,	-	- - -
246	Chapter 7. An act for granting unto his majesty several rates and duties of impost and tunnage of shipping, . . . . .	June 23,	-	June 29, 1723.
251	Chapter 8. An act for apportioning and assessing a tax of six thousand two hundred thirty-two pounds thirteen shillings and elevenpence, . . . . .	July 3,	1724. June 2,	May 31, 1723.
<b>SECOND SESSION.</b>				
258	Chapter 9. An act to encourage the prosecution of the Indian enemy and rebels, . . . . .	Aug. 16,	-	Aug. 17, 1726.
259	Chapter 10. An act for putting the inhabitants of the frontier towns within this province into a posture of defence, . . . . .	Aug. 16,	-	Aug. 17, 1726.
<b>THIRD SESSION.</b>		1722-23.		
261	Chapter 11. An act for punishing of officers and soldiers retained in his majest[y][ic]'s service and pay [see 1704-5, chap. 7], . . . . .	Jan. 15,	-	Aug. 17, 1726.
264	Chapter 12. An act for the further encouragement and regulation of the officers and soldiers retained in his majest[y][ic]'s service and pay of this government, . . . . .	Jan. 15,	-	June 20, 1724.
266	Chapter 13. An act for altering the time for holding the court of general sessions of the peace, for the county of Suffolk [1699-1700, chap. 1, § 2, and chap. 2, § 2], . . . . .	Nov. 30,	-	Dec. 3, 1725.
267	Chapter 14. An act for reviving an act, entitul[ed], "An act to prevent the oppression of debtors" [1712-13, chap. 6; 1715-16, chap. 13], . . . . .	Jan. 15,	-	- - -
<b>1723-24.—FIRST SESSION.</b>		1723.		
283	Chapter 1. An act for the relief of creditors, and granting a further time for adjusting their ac-			

*List of the Public Acts.—Continued.*

Page.	TITLES.	Date of Passage.	Disallowed by Privy Council.	Expired or had its effect.
<b>1723-24.—FIRST SESSION.—Con.</b>		1723.		
283	Chapter 2. An act in further addition to an act entitled "An act directing the admission of town inhabitants," made and pass[ed] in the thirteenth year of the reign of King William the Third [1700-1, chap. 23; 1722-23, chap. 6, § 1],	June 24,	-	June 30, 1726.
284	Chapter 3. An act for limiting and regulating the proceedings of the judges of probate, and for granting letters of administration in the respective counties of the province, in their granting administration on such estates as have not been fully administer[ed] on already, commonly called administrations <i>de bonis non</i> [1719-20, chap. 10],	June 24,	-	June 30, 1726.
285	Chapter 4. An act to enable Addington Davenport, Thomas Hutchinson and Edward Hutchinson, Esqrs., the surviving trustees of the fifty thousand pounds loan, to assign over such mortgages as are made to the trustees of the said loan [1714, chap. 10],	June 17,	-	- - -
285	Chapter 5. An act for reviving and further continuing of several temporary acts, which, by their respective limitations, are expired or near expiring [1708-9, chap. 7; 1715-16, chap. 18; 1717-18, chap. 14; 1719-20, chap. 2],	June 29,	-	- - -
286	Chapter 6. An act for the better regulating the curing and culling of fish [1718-19, chap. 4],	June 26,	-	June 21, 1723.
288	Chapter 7. An act for granting unto his majesty several rates and duties of impost and tunnage of shipping,	June 29,	-	June 30, 1726.
293	Chapter 8. An act for apportioning and assessing a tax of six thousand two hundred and five pounds fifteen shillings and seven pence half-penny,	June 17,	-	June 29, 1724.
		June 29,	-	May 31, 1724.
<b>SECOND SESSION.</b>				
300	Chapter 9. An act in amendment of, and addition to, an act entitled "An act against receiving stol'n goods," made and pass[ed] in the tenth year of the reign of King William [1698, chap. 8],	Aug. 24,	-	- - -
300	Chapter 10. An act in addition to, and for rendering more effectual, an act made in the tenth year of the reign of King William the Third, entitled "An act for preventing of trespasses" [1698, chap. 7],	Aug. 27,	-	Sept. 3, 1726.
302	Chapter 11. An act for preventing abuses in distilling of rum, and other strong liquors, with leaden heads or pipes,	Sept. 3,	-	- - -
303	Chapter 12. An act for repealing part of the act for the further encouragement and regulation of the officers and soldiers retained in his majest[y][ie]'s service and pay of this government, and for the further continuing the remainder of the said act [1722-3, chap. 12, § 1; 1722-3, chap. 12, § 2],	Sept. 21,	-	June 28, 1726.
304	Chapter 13. An act to enable the proprietors of the town of Sutton to support the ministry among them,	Aug. 24,	-	- - -
<b>THIRD SESSION.</b>				
306	Chapter 14. An act in further addition to the act for the more effectual providing for the support			

*List of the Public Acts—Continued.*

Page.	TITLES.	Date of Passage.	Disallowed by Privy Council.	Expired or had its effect.
	<b>1723-24.—THIRD SESSION—Con.</b>	<b>1723.</b>		
307	Chapter 15. An act in addition to an act made and pass'd of ministers [1702, chap. 10, § 2; 1715-16, chap. 17], . . . . .	Dec. 24,	-	- -
308	Chapter 16. An act to enable Samuel Sprague, Benjamin* in Hammond and John Briggs, in behalf of the [town*] of Rochester, to dispose of a share of land consisting of [a three*]-and thirtieth part of the said township, which was devoted to the use [of the mini*]stry, they laying out the produce thereof in purchasing other lands [in the town*] of Rochester for the use of the ministry thereof, . . . . .	Dec. 24,	-	Jan. 1, 1728-29
308	Chapter 17. An act to enable the town of Leicester to assess and levy execution upon the propri[eto*]rs of that town for payment of the ministerial charges, . . . . .	Dec. 19,	-	- -
		Dec. 20,	-	- -
	<b>1724-25.—FIRST SESSION.</b>	<b>1724.</b>		
319	Chapter 1. An act in addition to the act for holding special courts of assize and general goal delivery [1713-14, chap. 5], . . . . .	June 9,	-	- -
319	Chapter 2. An act for granting unto his majesty several rates and duties of impost and tunnage of shipping, . . . . .	June 17,	-	June 29, 1725.
324	Chapter 3. An act for apportioning and assessing a tax of fourteen thousand pounds, . . . . .	June 17,	-	May 31, 1725.
	<b>SECOND SESSION.</b>			
331	Chapter 4. An act for amending of errors and defects in reasons of appeal, and better advancement of justice [1701-2, chap. 5, § 8], . . . . .	Nov. 27,	-	- -
331	Chapter 5. An act for the further regulation of the officers and soldiers retain'd in his majesty's service, and pay of this government [1722-23, chap. 12; 1723-24, chap. 12], . . . . .	Dec. 12,	-	Aug. 17, 1726.
333	Chapter 6. An act for the more easy levying and regulating soldiers [1721-22, chap. 1], . . . . .	Dec. 15,	-	Aug. 17, 1726.
336	Chapter 7. An act to retrench the extraordinary expence at funerals [1721-22, chap. 4], . . . . .	Dec. 8,	-	Dec. -, 1729.
336	Chapter 8. An act for the better regulating the admission of town inhabitants within the province of the Massachusetts Bay [1722-23, chap. 5, § 1; 1700-1, chap. 23; 1723-24, chap. 21], . . . . .	Dec. 18,	-	- -
338	Chapter 9. An act to enable the executors or administrators of constables or collectors deceas'd, to sue for and recover any assessments not collected by them in their lifetime [1699-1700, chap. 26], . . . . .	Dec. 8,	-	- -
338	Chapter 10. An act in explanation of, and in supplement to an act, entitled "An act for highways," made in the fifth year of the reign of King William and Queen Mary [1693-4, chap. 6], . . . . .	Dec. 18,	-	- -
339	Chapter 11. An act for altering the times of holding the superior court of judicature, court of assize and general goal delivery, for the county of Suffolk [1699-1700 chap. 3, § 2], . . . . .	Dec. 3,	-	- -
340	Chapter 12. An act in addition to an act, entitled "An act for the better regulating of the ferry			



*List of the Public Acts—Continued.*

Page.	TITLES.	Date of Passage.	Disallowed by Privy Council.	Expired or had its effect.
	<b>1724-25.—SECOND SESSION—Con.</b>	1724.		
	over Charles River, betwixt Boston and Charlestown," made in the ninth year of the reign of the late Queen Anne [1710-11, chap. 1; 1718-19, chap. 6],	Dec. 12,	-	- -
340	Chapter 13. An act for dividing the town of Sherburn and erecting a new town there by the name of Holliston,	Dec. 3,	-	- -
342	Chapter 14. An act for dividing the town of Dedham, and erecting a new town there by the name of Walpole,	Dec. 10,	-	- -
	<b>1725-26.—FIRST SESSION.</b>	1725.		
347	Chapter 1. An act for granting unto his majesty several rates and duties of impost and tunnage of shipping,	June 15,	-	June 29, 1726.
352	Chapter 2. An act for apportioning and assessing a tax of twenty thousand pounds,	June 17,	-	May 31, 1726.
	<b>SECOND SESSION.</b>			
359	Chapter 3. An act in addition to an act entituled "An act enabling sheriffs and constables to require aid," &c., made in the tenth year of the reign of the late King William [1698, chap. 20],	Dec. 16,	-	- -
359	Chapter 4. An act to impower the sheriffs, constables and other officers of justice in the neighbouring provinces and colon[y][ie]s as well to pass and repass, as to convey such persons or things as may be in their custody, on the service of any writ[t], warrant or other process, by and through any of the roads or publick ways lying in or leading through any of the towns or lands of this province,	Dec. 7,	-	- -
360	Chapter 5. An act in addition to the several acts for the more safe keeping the registry of deeds and conveyances of lands [1715-16, chap. 5; 1720-21, chap. 12],	Nov. 30,	-	- -
361	Chapter 6. An act for altering the time for holding the court of general sessions of the peace and inferiour court of common pleas within the county of Barnstable [1715-16, chap. 2; 1699-1700, chap. 2, § 2],	Nov. 30,	-	- -
362	Chapter 7. An act for encouraging the raising of hemp within this province [1701-2, chap. 13; 1715-16, chap. 19; 1718-19, chap. 5],	Dec. 21,	-	Jan. 23, 1730-31.
363	Chapter 8. An act in further addition to the several acts or laws of this province, relating to the office and duty of a coroner [1700-1, chap. 3; 1717-18, chap. 4],	1725-26. Jan. 1,	-	- -
363	Chapter 9. An act for repealing an act entituled "An act for [the] relief and release of poor prisoners for debt" [1698, chap. 11],	1725. Dec. 10,	-	- -
363	Chapter 10. An act in addition to the several acts or laws of this province, for the regulation of the civilized Indians inhabiting this province, and preventing oppression or abuses to them,	Dec. 23,	-	Jan. 3, 1728-29
365	Chapter 11. An act for the allowing necessary suppl[ie][y]s to the Eastern Indians, and for regulating trade with them, and for the repealing an act entituled "An act to prohibit trade and commerce with the Eastern Indians," made and pass'd in the eighth year of his present majest[y][ie]'s reign [1721-22, chap. 2],	1725-26. Jan. 1,	-	Nov. 9, 1731.

*List of the Public Acts—Continued.*

Page.	TITLES.	Date of Passage.	Disallowed by Privy Council.	Expired or had its effect.
<b>1725-26.—SECOND SESSION.—Con.</b>				
367	Chapter 12. An act for dividing the town of Haverhill and erecting a new town there, and in parts adjacent, by the name of Methuen,	1725. Dec. 8,	-	- -
368	Chapter 13. An act for dividing Taunton North Purchase, so called, in the township of Norton, and erecting a new town in the easterly half thereof, by the name of Easton, . . .	Dec. 21,	-	- -
368	Chapter 14. An act for dividing the town of Charlestown, and erecting a new town there by the name of Stoneham, . . .	Dec. 17,	-	- -
370	Chapter 15. An act for apportioning and assessing a tax of forty-eight thousand seven hundred and nineteen pounds [1720-21, chap. 14, § 8], . . .	Nov. 25,	-	July 3, 1730.
<b>1726-27.—FIRST SESSION.</b>				
1726.				
379	Chapter 1. An act for the better curing and culling of fish [1723-24, chap. 6], . . .	June 23,	-	June 27, 1731.
381	Chapter 2. An act for the better regulating of swine [1720-21, chap. 9], . . .	June 24,	-	June 24, 1731.
383	Chapter 3. An act in addition to and for rendering more effectual an act made in the tenth year of the reign of King William the Third, entitled "An act for preventing of trespasses" [1698, chap. 7], . . .	June 21,	-	- -
385	Chapter 4. An act against hawkers, pedlars and petty chapmen [1721-22, chap. 6], . . .	June 17,	-	- -
386	Chapter 5. An act to prevent persons from riding with naked scyths, . . .	June 21,	-	- -
386	Chapter 6. An act in further addition to an act entitled "An act directing the admission of town inhabitants," made and pass'd in the thirteenth year of the reign of King William the Third [1700-1, chap. 23; 1723-24, chap. 2; 1724-25, chap. 8], . . .	June 21,	-	June 27, 1731.
387	Chapter 7. An act for the restraining and better regulating appeals from the court of general sessions of the peace, and inferior court of common pleas, within the island of Nantucket [1699-1700, chap. 3, § 3], . . .	June 21,	-	- -
387	Chapter 8. An act for dividing the town of Pl[y][i]-mouth, and erecting a new town there, by the name of Kingston, . . .	June 16,	-	- -
388	Chapter 9. An act for apportioning and assessing a tax of twenty thousand pounds, . . .	June 17,	-	Aug. 30, 1727.
395	Chapter 10. An act for granting unto his majesty several rates and dut[ie][y]s of impost and tunnage of shipping, . . .	June 8,	-	June 29, 1727.
400	Chapter 11. An act for granting unto his majesty an excise upon wines, liquors, and other strong drink, sold by retail, . . .	June 28,	-	June 29, 1727.
<b>THIRD SESSION.</b>				
404	Chapter 12. An act in further addition to an act entitled "An act for the relief of id[le] and distracted persons," made and pass'd in the sixth year of the reign of King William and Queen Mary [1693-4, chap. 18; 1708-9, chap. 5], . . .	Dec. 21,	-	Jan. 10, 1731-32.
406	Chapter 13. An act for enlarging the pay of the members of the great and general court or assembly of this province, and for regulating the several towns therein as to their choice of representatives, and for repealing one clause in a former act relating to them [1692-3, chap. 44; 1714, chap. 4; 1692-3, chap. 33, § 1], . . .	Dec. 28,	-	Aug. 30, 1730.

*List of the Public Acts—Continued.*

Page.	TITLES.	Date of Passage.	Disallowed by Privy Council.	Expired or had its effect.
<b>1726-27.—THIRD SESSION—Con.</b>		1726.		
407	Chapter 14. An act in addition to an act for regulating ferr[ie] [y]s [1694-5, chap. 16, § 1], . . .	Dec. 20,	-	- -
407	Chapter 15. An act in addition to an act entitled "An act to enable towns, villages, and proprietors in common and undivided lands, &c., to sue and be sued," made in the sixth year of the reign of King William and Queen Mary [1694-5, chap. 15, § 1], . . .	Dec. 31,	-	- -
408	Chapter 16. An act for dividing the town of Dorchester, and erecting a new town there by the name of Stoughton, . . .	Dec. 22,	-	- -
<b>1727.—FIRST SESSION.</b>		1727.		
415	Chapter 1. An act for granting unto his majesty an excise upon wines, liquors and other strong drink, sold by retail, . . .	June 26,	-	June 29, 1732.
418	Chapter 2. An act for the better inquiry into the rateable estate of this province, [1718-19, chap. 11], . . .	June 14,	-	Oct. 14, 1727.
420	Chapter 3. An act to disable the several judges for the probate of wills and granting administration in the respective count[ie] [y]s of this province from sitting as judges in civil actions depending on or relating to any sentence or decree by them made in their office aforesaid, . . .	July 3,	-	- -
421	Chapter 4. An act in addition to the act entitled "An act relating to executors and administrators" [1703-4, chap. 12, § 3], . . .	July 7,	-	- -
421	Chapter 5. An act to enable guardians to join in the partition of lands or other real estate wherein minors are concerned, . . .	July 5,	-	- -
422	Chapter 6. An act to enable executors and administrators to prosecute or defend any suits that are depending, or hereafter shall depend, upon appeal, wherein the testator or intestate was or shall be appellant or appellee, . . .	July 4,	-	- -
423	Chapter 7. An act in addition to the several acts relating to the admeasurement of boards, plank and timber, and for regulating the tale and assize of shingles, and also for regulating the tale and assize of clapboards [1695-96, chap. 5; 1710-11, chap. 7], . . .	June 23,	-	Feb. 2, 1731-32.
424	Chapter 8. An act in further addition to, and for rendering more effectual, an act made in the tenth year of the reign of King William the Third, entitled "An act for preventing of trespasses" [1726-27, chap. 3; 1698, chap. 7], . . .	July 4,	-	- -
425	Chapter 9. An act to enable proprietors of common and undivided lands to make orders, and annex penalties thereon, for the better regulating and managing their proprieties, [1712-13, chap. 9], . . .	June 27,	-	- -
426	Chapter 10. An act for the rendering more effectual the act entitled, "An act to prevent nuisances by hedges, wears and other incumbrances obstructing the passage of fish in rivers" [1709-10, chap. 7], . . .	July 3,	-	- -
426	Chapter 11. An act for erecting the precinct of Cape Cod into a township by the name of Provincetown [1714, chap. 7, § 2], . . .	June 14,	-	- -
427	Chapter 12. An act for dividing the town of Mendon, and erecting a new town there by the name of Uxbridge, . . .	June 27,	-	- -

*List of the Public Acts—Continued.*

Page.	TITLES.	Date of Passage.	Disallowed by Privy Council.	Expired or had its effect.
<b>1727.—FIRST SESSION—Con.</b>		1727.		
428	Chapter 13. An act for dividing the town of Marlborough, and erecting a new town there by the name of Southborough, . . . . .	July 6,	-	- - -
429	Chapter 14. An act for erecting a new town within the county of Pl[y][i]mouth, by the name of Han[n]over, . . . . .	June 14,	-	- - -
430	Chapter 15. An act for granting unto his majesty several rates and duties of impost and tunnage of shipping, . . . . .	June 26,	-	June 29, 1728.
<b>SECOND SESSION.</b>				
436	Chapter 16. An act for preventing and removing of all doubts and disputes about writs, processes and precepts issued in the name and style of his late majesty King George, of blessed memory, and suits depending thereon, . . . . .	Aug. 19,	-	- - -
437	Chapter 17. An act to prevent the destruction of wild fowl [1717-18, chap. 10], . . . . .	Aug. 29,	-	Apr. 26, 1733.
<b>THIRD SESSION.</b>				
439	Chapter 18. An act to prevent coparceners, joint tenants and tenants in common, from committing strip and wast[e] upon the lands by them held in common and undivided [1726-27, chap. 3; 1698, chap. 7; 1727, chap. 8], . . . . .	Oct. 14,	-	- - -
440	Chapter 19. An act for apportioning and assessing a tax of six thousand pounds; and also for apportioning and assessing a further tax of two thousand two hundred seventy-eight pounds six shillings, paid the representatives anno 1726 [1726-27, chap. 13, § 1], . . . . .	Oct. 14,	-	May 31, 1728.
<b>1727-28.—FIRST SESSION.</b>		1727-28.		
453	Chapter 1. An act in addition to an act entitl[ed] "An act for highways" [1693-4, chap. 6, § 4; 1724-25, chap. 10], . . . . .	Jan. 5,	-	- - -
454	Chapter 2. An act for the more safe and easy prosecuting writs of trespass and ejectment, . . . . .	Dec. 26,	-	- - -
454	Chapter 3. An act in further addition to the several acts relating to trespasses [1698, chap. 7; 1723-24, chap. 10; 1726-27, chap. 3; 1727, chap. 8], . . . . .	1727-28. Jan. 19,	-	- - -
455	Chapter 4. An act in addition to an act intitled "An act for enlarging the fees of grand jurors" [1719-20, chap. 13], . . . . .	Jan. 12,	-	- - -
456	Chapter 5. An act in further addition to an act intitled "An act in addition to the act for the better observation and keeping the Lord's day," made and passed at a great and general court or assembly held at Boston the seventh of November, 1716, in the third year of the reign of his late majesty King George the First [1716-17, chap. 13], . . . . .	1727. Dec. 27,	-	- - -
458	Chapter 6. An act in addition to an act entitled "An act relating to strays and lost goods," &c. [1698, chap. 9; 1692-3, chap. 37], . . . . .	1727-28. Jan. 24,	-	- - -
459	Chapter 7. An act in addition to the several acts for the settlement and support of ministers [1692-3, chap. 46; 1692-3, chap. 26; 1702, chap. 10; 1706-7, chap. 9; 1715-16, chap. 17; 1722-23, chap. 4; 1723-24, chap. 14], . . . . .	1727. Dec. 19,	-	Dec. 30, 1732.

*List of the Public Acts—Continued.*

Page.	TITLES.	Date of Passage.	Disallowed by Privy Council.	Expired or had its effect.
<b>1727-28.—FIRST SESSION—Con.</b>		1727-28.		
460	Chapter 8. An act for the better enabling towns and precincts duly and seasonably to pay their ministers, school-masters and other necessary charges arising therein [1692-3, chap. 28, § 4; 1699-1700, chap. 26, § 9]. [ <i>Passed to be engrossed,</i> . . .]	Jan. 11,	-	July 3, 1730.
461	Chapter 9. An act for the relief of poor prisoners for debt [1698, chap. 11; 1706-7, chap. 2; 1725-26, chap. 9].	1727. Dec. 28,	-	Dec. 30, 1729.
463	Chapter 10. An act for preventing unnecessary expence of time in the attendance of petit jurors, on the several courts of justice, and for the enlarging their fees, and the allowance to witnesses in civil causes [1701-2, chap. 5, § 6; 1716-17, chap. 17, § 2]. [ <i>Passed to be engrossed,</i> . . .]	Dec. 28.	-	1732 or 1733.*
464	Chapter 11. An act in addition to an act entit[u]led "An act to prevent incestuous and clandestine marriages [1695-6, chap. 2 § 4].	1727-28. Jan. 16,	-	- -
465	Chapter 12. An act in addition to an act entit[u]led "An act to enable executors and administrators to prosecute and defend any suits that are depending or hereafter shall depend upon appeal, wherein the testator or intestate was or shall be appellant or appellee [1727, chap. 6].	Jan. 18,	-	- -
466	Chapter 13. An act in addition to an act entit[u]led "An act in further addition to an act entit[u]led 'An act for regulating fences, cattel, &c.'" [1718-19, chap. 3, § 2].	Jan. 18,	-	- -
467	Chapter 14. An act to oblige and require the forty petitioners for a tract of land at Hassanamisco, together with the English proprietors of other lands there, to pay the charge of erecting a meeting-house and schoolhouse, and of supporting an orthodox minister and school-master in the said place,	Jan. 16,	-	- -
468	Chapter 15. An act to prevent the unnecessary journeying of the representatives [1718-19, chap. 18].	Jan. 12,	-	Jan. 12, 1732-33
468	Chapter 16. An act for establishing a superiour court of judicature, court of assize, and general goal delivery at Barnstable, for the count[ie][y]s of Barnstable and Dukes County [1699-1700, chap. 3, § 2; 1717-18, chap. 13; 1725-26, chap. 6].	Jan. 11,	-	- -
470	Chapter 17. An act for raising and settling a publick revenue, for and towards defraying the necessary charges of this government, by an emission of sixty thousand pounds in bills of credit on this province [1699-1700, chap. 26; 1720-21, chap. 14; 1722-23, chap. 3].	Feb. 20,	-	May 31, 1733
<b>1728-29.—FIRST SESSION.</b>		1728.		
491	Chapter 1. An act in addition to, and for rendring more effectual, an act entit[u]led "An act to prevent causeless arrests," &c. [1714, chap. 3, § 1].	June 19,	-	- -
492	Chapter 2. An act for preventing of injur[ie][y]s and unnecessary delays to the part[ie][y]s who shall hereafter be concerned in suits at law, and for the better and more speedy execution of justice [1699-1700, chap. 4, § 7].	June 20,	-	- -

\* See memorandum of the date of the passage of this act, at the end, on p. 464, ante.



*List of the Public Acts—Continued.*

Page.	TITLES.	Date of Passage.	Disallowed by Privy Council.	Expired or had its effect.
<b>1728-29.—FIRST SESSION—Con.</b>		<b>1728.</b>		
493	Chapter 3. An act to enable creditors to receive their just debts out of the effects of their absent or absconding debtors [1708-9, chap. 7; 1715-16, chap. 18; 1723-24, chap. 5],	June 19,	-	June 30, 1738.
494	Chapter 4. An act to exempt persons commonly called Anabaptists, and those called Quakers, within this province, from being taxed for and towards the support of ministers [1702, chap. 10],	June 20,	-	June 20, 1733.
496	Chapter 5. An act in addition to an act entit[u]led "An act for providing of pounds, and to prevent rescous and pound breach [1698, chap. 6; 1703-4, chap. 10],	June 19,	-	- -
497	Chapter 6. An act in addition to, and for rendering more effectual, an act entit[u]led "An act for the upholding and regulating of mills," made and passed at a session of the great and general court or assembly begun and held at Boston, upon Wednesday, the twenty-fifth day of May, in the eighth year of the reign of the late Queen Anne, <i>anno[ue] Domini</i> 1709 [1709-10, chap. 3],	June 19,	-	- -
498	Chapter 7. An act for encouraging the raising of flax within this province,	June 15,	-	June 24, 1733.
499	Chapter 8. An act in addition to an act entit[u]led "An act providing in case of sickness" [1701-2, chap. 9; 1723-24, chap. 5],	June 19,	-	June 29, 1738.
500	Chapter 9. An act for encouraging the killing of wild-cat[t]s,	June 20,	-	June 24, 1731.
501	Chapter 10. An act in addition to an act entituled "An act in further addition to the act for encouraging the killing of wolves," made in the fifth year of the reign of King William and Queen Mary [1719-20, chap. 2, § 1],	June 19,	-	June 19, 1738.
501	Chapter 11. An act to enable Addington Davenport, Thomas Hutchinson and Edward Hutchinson, Esqrs., the surviving trustees of the fifty thousand pounds loan of bills of credit, in the year of our Lord 1714, to make sale of such estates as were mortgaged to the trustees of the said loan and are become forfeited in the law [1714, chap. 10; 1723-24, chap. 4],	June 19,	-	- -
502	Chapter 12. An act for erecting the lands hereafter bounded and described, into a township by the name of Middleton,	June 20,	-	- -
503	Chapter 13. An act for granting unto his majesty several rates and duties of impost and tunnage of shipping,	June 14,	-	June 29, 1729.
508	Chapter 14. An act for apportioning and assessing a tax of eight thousand pounds; and also for apportioning and assessing a further tax of three thousand nine hundred and twelve pounds twelve shillings, paid the representatives <i>anno</i> 1727,	June 19,	-	May 31, 1729.
<b>SECOND SESSION.</b>				
516	Chapter 15. An act for repealing an act entit[u]led "An act for the punishing and preventing of duelling, and for making other provision instead thereof" [1719-20, chap. 1],	Aug. 27,	-	- -
517	Chapter 16. An act more effectually to secure the duty on the importation of negros [1705-6, chap. 10],	Sept. 14,	-	Sept. 14, 1735.
518	Chapter 17. An act for the encouragement of making paper,	Sept. 13,	-	Dec. 10, 1738.
519	Chapter 18. An act for regulating the ferry between Bristol and Rhode Island [1693, chap. 3, § 3; 1694-5, chap. 16; 1726-27, chap. 14],	Aug. 29,	-	- -

*List of the Public Acts—Continued.*

Page.	TITLES.	Date of Passage.	Disallowed by Privy Council.	Expired or had its effect.
<b>1728-29.—SECOND SESSION—<i>Con.</i></b>		1728.		
519	Chapter 19. An act for altering the time for holding the court of general sessions of the peace, and inferior court of common pleas within the count[ <i>ie</i> ][ <i>y</i> s] of Essex, Middlesex and Plymouth [1699-1700, chaps. 1 and 2; 1712-13, chap. 5; 1716-17, chap. 19],	Aug. 27,	-	- -
520	Chapter 20. An act for erecting a new town within the county of Middlesex, at the south part of Turkey Hills (so called), by the name of Lunenburg, . . . . .	Aug. 1,	-	- -
<b>THIRD SESSION.</b>		1729.		
522	Chapter 21. An act in addition to the act entit[ <i>u</i> ]led "An act for allowing necessary suppl[ <i>ie</i> ][ <i>y</i> s] to the Eastern Indians [1725-26, chap. 11], . . . . .	Apr. 18,	-	Nov. 9, 1731.
<b>1729-30.—THIRD SESSION.</b>				
527	Chapter 1. An act for erecting a new town within the county of Middlesex, by the name of Bedford, . . . . .	Sept. 23,	-	- -
528	Chapter 2. An act for erecting the west precinct in the town of Chelmsford into a township, by the name of Wesford, . . . . .	Sept. 23,	-	- -
528	Chapter 3. An act for granting unto his majesty several rates and duties of impost and tunnage of shipping, . . . . .	Sept. 18,	-	Sept. 25, 1730.
533	Chapter 4. An act for apportioning and assessing a tax of eight thousand two hundred and eighty pounds; and also for apportioning and assessing a further tax of four thousand six hundred forty-three pounds sixteen shillings, paid the representatives <i>anno</i> 1728, . . . . .	Sept. 24,	-	May 31, 1730.
<b>FOURTH SESSION.</b>				
542	Chapter 5. An act for the speedy and effectual securing and repairing the harbour of Marblehead in the county of Essex [1727, chap. 8], . . . . .	Dec. 9,	-	- -
543	Chapter 6. An act in addition to an act entituled "An act to exempt persons commonly called Anabaptists and those called Quakers, within this province, from being taxed for and towards the support of ministers" [1728-29, chap. 4], . . . . .	Dec. 20,	-	Apr. 19, 1734.
544	Chapter 7. An act for regulating the ferr[ <i>ie</i> ][ <i>y</i> s] between the count[ <i>ie</i> ][ <i>y</i> s] of Barnstable and Dukes County [1694-5, chap. 16], . . . . .	Dec. 16,	-	Nov. 9, 1731.
<b>1730.—THIRD SESSION.</b>		1730.		
549	Chapter 1. An act directing how rates [ <i>and</i> ] [ <i>or</i> ] taxes to be granted by the general assembly, as also county, town and precinct rates, shall be assessed and collected [1692-3, chap. 28; 1720-21, chap. 15; 1722-23, chap. 4], . . . . .	Oct. 3,	-	- -
556	Chapter 2. An act for erecting the north-easterly part of Woburn and westerly part of Reading into a township by the name of Wilmington, . . . . .	Sept. 25,	-	- -

*List of the Public Acts—Continued.*

Page.	TITLES.	Date of Passage.	Disallowed by Privy Council.	Expired or had its effect.
<b>1730.—THIRD SESSION—Con.</b>		<b>1730.</b>		
557	Chapter 3. An act for supplying the treasury with the sum of thirteen thousand pounds in bills of credit on this province,	Oct. 1,	—	Dec. 31, 1741.
558	Chapter 4. An act for the ease of prisoners for debt [1718-19, chap. 15; 1722-23, chap. 4],	Oct. 3,	—	Oct. 7, 1735.
559	Chapter 5. An act in further addition to an act entitled "An act for regulating fees" [1715-16, chap. 6; 1716-17, chap. 6],	Oct. 24,	—	Oct. 31, 1735.
559	Chapter 6. An act for granting unto his majesty several rates and duties of impost and tunnage of shipping,	Sept. 25,	—	Dec. 25, 1731.
565	Chapter 7. An act for apportioning and assessing a tax of eight thousand pounds; and also for apportioning and assessing a further tax of two hundred and forty pounds thirteen shillings, laid on several towns within mentioned, for not sending a representative, as by law they are obliged; and also for apportioning and assessing a further tax of two thousand three hundred and fifty-one pounds fifteen shilling, paid the representatives <i>anno</i> 1729,	Oct. 3,	—	May 31, 1731.
<b>1730-31.—FIRST SESSION.</b>		<b>1731.</b>		
577	Chapter 1. An act fully empowering commissioners to determine the bounds between this his majesty's province of the Massachuset[s]s Bay, and the province of New Hampshire,	Apr. 2,	—	Nov. 30, 1731.
579	Chapter 2. An act in addition to the act entitled "An act for the settlement and distribution of the estates of intestates [1692-3, chap. 14],	Apr. 2,	—	— —
579	Chapter 3. An act for explanation of and supplement to the act referring to the poor, &c. [1720-21, chap. 7],	Apr. 2,	—	July 6, 1736.
581	Chapter 4. An act for regulating the soldiers in his majesty's service, and in the pay of this province [1724-25, chap. 5, § 6],	Apr. 2,	—	July 6, 1736.
581	Chapter 5. An act to prevent deceit in the gage of cask [1692-3, chap. 17, § 1; 1718-19, chap. 16],	Apr. 2,	—	July 6, 1736.
582	Chapter 6. An act to prevent frauds in muster-rolls [1724-25, chap. 5, § 7],	Apr. 2,	—	— —
583	Chapter 7. An act to prevent unnecessary lawsuits,	Apr. 2,	—	Apr. 19, 1734.
584	Chapter 8. An act for erecting, granting and making a county in the inland parts of this province to be called the county of Worcester, and for establishing courts of justice within the same,	Apr. 2,	—	— —
585	Chapter 9. An act for naturalizing Protestants of for[e]ign nations, inhabiting within this province,	Apr. 2,	—	— —
587	Chapter 10. An act in further addition to the act encouraging the killing of wolves, made in the fifth year of the reign of King William and Queen Mary [1693, chap. 6; 1728-29; chap. 10],	Apr. 2,	—	July 6, 1736.
588	Chapter 11. An act for encouraging the raising of hemp within this province [1725-26, chap. 7; 1701-2, chap. 13],	Apr. 2,	—	July 6, 1736.
589	Chapter 12. An act empowering courts to adjourn and remove from the towns appointed by law for holding courts, to other towns, in case of sickness by the small-pox, [1721, chap. 3],	Apr. 2,	—	Oct. 31, 1741.
589	Chapter 13. An act for the relief of, and to prevent the oppression of, debtors, [1722-23, chap. 14],	Apr. 2,	—	— —

*List of the Public Acts—Continued.*

Page.	TITLES.	Date of Passage.	Disallowed by Privy Council.	Expired or had its effect.
<b>1730-31.—FIRST SESSION.—Con.</b>		1731.		
590	Chapter 14. An act for dividing the town of Taunton, and erecting a new town there by the name of Raynham,	Apr. 2,	-	- -
591	Chapter 15. An act for payment of the members of his majesty's council, and the represent- [ati]ves serving in the late general court or assembly from the fourteenth of October last past, to the dissolution thereof, and of the members aforesaid serving in this court to the end of the present session [1714, chap. 4], .	Apr. 24,	-	May 31, 1732.
592	Chapter 16. An act in addition to an act intitled "An act for ascertaining the number, and regulat- ing the house of representatives" [1726-27, chap. 13; 1692-3, chap. 44], .	Apr. 24,	1733-34, Jan. 10,	- -
593	Chapter 17. An act for supplying the treasury with the sum of six thousand pounds,	Apr. 24,	-	Dec. 31, 1734.
594	Chapter 18. An act in further addition to an act entitled "An act for due regulation of weights and measures," made in the fourth year of the reign of their majest[ie] [y]s, King William and Queen Mary [1692-3, chap. 30; 1700-1, chap. 10; 1705-6, chap. 6], .	Apr. 24,	-	- -
<b>1731-32.—FIRST SESSION.</b>				
599	Chapter 1. An act for the better regulating swine, . . .	June 11,	-	June 11, 1736.
601	Chapter 2. An act for the better curing and culling of fish,	June 11,	-	Aug. 18, 1736.
603	Chapter 3. An act for encouraging the killing of wild-cats,	June 11,	-	Aug. 18, 1736.
604	Chapter 4. An act for apportioning and assessing a tax of six thousand eight hundred and eight- een pounds; and for assessing a tax of twenty pounds laid on the town of West- town for not sending a representative; and also for apportioning and assessing one other tax of four thousand one hun- dred and nine pounds six shillings, paid the representatives for the year 1730-31; and a further tax of one thousand pounds emitted and appropriated for the payment of his majestie's council in this present year 1730-31 [1730-31 chap. 15, § 3], .	Aug. 25,	-	May 31, 1732:
<b>THIRD SESSION.</b>				
613	Chapter 5. An act for granting the sum of five thousand four hundred pounds, for and towards the support of his majesty's governour,	Nov. 9,	-	- -
613	Chapter 6. An act for supplying the treasury with the sum of five thousand four hundred pounds [chap. 5, <i>supra</i> ], .	Nov. 9,	-	Dec. 31, 1733.
614	Chapter 7. An act for [the] allowing necessary supplies to the Eastern and Western Indians, and for regulating trade with them [1725-26, chap. 11], .	Nov. 9,	-	Apr. 26, 1733.
616	Chapter 8. An act in further addition to an act directing the admission of town inhabitants, made and pass'd in the thirteenth year of the reign of William the Third [1700-1, chap. 23; 1726-27, chap. 6], .	Nov. 9,	-	Nov. 9, 1736.
616	Chapter 9. An act to subject the unimproved lands within this province belonging to non- resident proprietors to be sold for pay- m[en]t of taxes or assessm[en]ts levied on them by order of the great and gen- eral court [1730, chap. 1, § 14], .	Nov. 9,	-	Nov. 10, 1734.

*List of the Public Acts—Continued.*

Page.	TITLES.	Date of Passage.	Disallowed by Privy Council.	Expired or had its effect.
<b>1731-32.—THIRD SESSION—Con.</b>		<b>1731.</b>		
617	Chapter 10. An act making more effectual provision for the calling of precinct or parish meetings [1723-24, chap. 14, § 1], . . . . .	Nov. 9,	-	- -
<b>FOURTH SESSION.</b>				
619	Chapter 11. An act further to exempt persons commonly called Quakers, within this province, from being taxed for and towards the support of ministers [1729-30, chap. 6], . . . . .	Dec. 24,	-	Feb. 4, 1736-37.
620	Chapter 12. An act for the payment of the members of his majesty's council, and the representatives serving in the general court [1692-3, chap. 44; 1714, chap. 4, and note 1726-27, chap. 13], . . . . .	Dec. 24, 1731-32, Feb. 2,	-	- -
621	Chapter 13. An act to prevent persons concealing the small-pox, . . . . .	Feb. 2,	-	Feb. 3, 1741-42
622	Chapter 14. An act in further addition to an act entitled "An act for the relief of id[ic]ots and distracted persons," made and pass'd in the sixth year of the reign of King William and Queen Mary [1693-4, chap. 18; 1726-27, chap 12], . . . . .	Feb. 2,	-	June 29, 1738.
624	Chapter 15. An act for the authorizing commissioners to determine the western boundary of that part of this province formerly the colony of Plymouth, and the colony of Rho[a]d[c] Island adjo[i]ning, . . . . .	Feb. 2,	-	- -
625	Chapter 16. An act for supplying the treasury with the sum of three thousand and eight hundred pounds for the pay[m]ent[ing] of Francis Wilks, Esqr., for his past services as agent for this province, and to enable him further to proceed and solicit the affairs of this government, . . . . .	Feb. 2,	-	Dec. 31, 1736.
626	Chapter 17. An act for making a new town in the county of Worcester, by the name of Dudley, . . . . .	Feb. 2,	-	- -
626	Chapter 18. An act for granting unto his majesty several rates and dut[ies] of impost and tunnage of ship[p]ing, . . . . .	1731. Dec. 24,	-	June 29, 1733.
<b>1732-33.—FIRST SESSION.</b>		<b>1732.</b>		
639	Chapter 1. An act for granting unto his majesty an excise upon wines, liquors and other strong drink, sold by retail, . . . . .	June 29,	-	June 29, 1737.
643	Chapter 2. An act providing pay for keeping petit juries [1727-28, chap. 10], . . . . .	July 7,	-	- -
643	Chapter 3. An act for erecting a new town within the county of Middlesex, at the north part of Turkey Hills (so called), by the name of Townshend, . . . . .	June 29,	-	- -
644	Chapter 4. An act for erecting a new town within the county of Worcester, by the name of Harv[er]y, . . . . .	June 29,	-	- -
645	Chapter 5. An act for apportioning and assessing a tax of eight thousand and seven pounds sixteen shillings; and for assessing a tax of eighty pounds laid on the towns of Needham, Hatfield, Sutton and Tiverton, for not sending their representatives; and also for apportioning and assessing one other tax of four thousand two hundred and seventy-four pounds five shillings, paid the representatives for the year 1731; and a further tax of one thousand two hundred and sixty-three pounds five shillings, paid his majesty's council for the year 1731 [1731-32, chap. 12, § 4], . . . . .	July 7,	-	May 31, 1733.



*List of the Public Acts—Continued.*

Page.	TITLES.	Date of Passage.	Disallowed by Privy Council.	Expired or had its effect.
<b>1732-33.—SECOND SESSION.</b>		1732-33.		
655	Chapter 6. An act for preventing unnecessary expence of time in the attendance of petit jurors on the several courts of justice, and for the enlarging their fees, and the allowance to witnesses in civil causes [1701-2, chap. 5, § 6; 1716-17, chap. 17, § 2], . . .	Jan. 4,	-	Jan. 6, 1737-38.
656	Chapter 7. An act for the relief of poor prisoners for debt [1698, chap. 11; 1725-26, chap. 9; 1727-28, chap. 9], . . .	Jan. 4,	-	Mar. 27, 1736.
658	Chapter 8. An act for the trial of capital offences and other high misdemeanors committed in the island of Nantucket, . . .	Jan. 4,	-	- -
659	Chapter 9. An act in further addition to and explanation of an act in addition to an act for erecting of a powder-house in Boston [1715-16, chap. 12], . . .	Jan. 4,	-	- -
660	Chapter 10. An act for erecting all the lands on the easterly side of the River Merrimack, belonging to the town of Dunstable, into a township by the name of Nottingham, . . .	Jan. 4,	-	- -
<b>THIRD SESSION.</b>		1733.		
661	Chapter 11. An act for granting the sum of three thousand pounds for the support of his majesty's governour, . . .	Apr. 26,	-	- -
661	Chapter 12. An act in explanation of, and addition to, an act entitled "An act to prevent unnecessary law-suits" [1730-31, chap. 7], . . .	Apr. 26,	-	- -
662	Chapter 13. An act in addition to an act entitled "An act for review in civil causes" [1701-2, chap. 6], . . .	Apr. 26,	-	- -
663	Chapter 14. An act in addition to an act entitled "An act for the suppressing of lotteries" [1719-20, chap. 8], . . .	Apr. 26,	-	- -
664	Chapter 15. An act for securing the seasonable payment of town and precinct rates or assessments [1730, chap. 1, §§ 18, 22], . . .	Apr. 26,	-	July 6, 1736.
665	Chapter 16. An act authorizing commissioners to determine the line or boundary between that part of the province of the Massachusetts Bay, late the colony of Pl <sup>[y]</sup> [i]mouth, and the colony of Rhode Island, . . .	Apr. 26,	-	- -
666	Chapter 17. An act for allowing necessary suppl <sup>[ie]</sup> [y]s to the Eastern and Western Indians, and for regulating trade with them [1731-32, chap. 7], . . .	Apr. 26,	-	July 5, 1737.
<b>1733-34.—FIRST SESSION.</b>				
673	Chapter 1. An act for erecting the lower plantation at Houssat[o][a]nnoek into a township, by the name of Sheffield, . . .	June 22,	-	- -
674	Chapter 2. An act for granting unto his majesty several rates and duties of impost and tunnage of shipping, . . .	June 22,	-	Apr. 19, 1735.
679	Chapter 3. An act for apportioning and assessing a tax of seven thousand nine hundred and eighty-seven pounds sixteen shillings, . . .	June 21,	-	May 31, 1734.
<b>SECOND SESSION.</b>				
687	Chapter 4. An act in further addition to an act entitled "An act for making effectual provision for the calling of precinct or parish meetings" [1731-32, chap. 10, § 1; 1723-24, chap. 14], . . .	Aug. 25,	-	- -

*List of the Public Acts—Continued.*

Page.	TITLES.	Date of Passage.	Disallowed by Privy Council.	Expired or had its effect.
<b>1733-34.—THIRD SESSION.</b>		1733.		
689	Chapter 5. An act in further addition to the several acts or laws for the settle <sup>[en]</sup> t and distribution of the estates of int <sup>[er]</sup> states [1692-3, chap. 14; 1730-31, chap. 2], . . .	Nov. 2,	-	- -
690	Chapter 6. An act to impower and oblige the surviving commissioners, in the county of Hampshire, of the hundred thousand pounds loan, so called, to settle their accompts, and comply with what is enjoyed the said commissioners in the several acts referring to the said loan [1716-17, chap. 18], . . .	Nov. 8,	-	- -
690	Chapter 7. An act for supplying the treasury with the sum of seventy-six thousand five hundred pounds, bills of credit, for discharging the publick debts, &c., and for establishing the wages of sundry persons, &c., in the service of the province, . . .	Nov. 2,	-	Dec. 31, 1741.
695	Chapter 8. An act for perambulating the boundary line between this province and the colony of Connecticut, and appointing a committee for that purpose, . . .	Nov. 2,	-	- -
<b>FOURTH SESSION.</b>		1733-34.		
696	Chapter 9. An act for altering the times for holding the superiour court of judicature, court of assize and general goal delivery, within and for the counties of Pl <sup>[y]</sup> [i]mouth, Barnstable and Dukes County, Essex and York [1720-21, chap. 1, § 3; 1727-28, chap. 15], . . .	Mar. 4,	-	- -
697	Chapter 10. An act for erecting a new town within the county of Essex, at a plantation called Pennycook, by the name of Rumford, . . .	Mar. 4,	-	- -
698	Chapter 11. An act for repairing his majesty's castle, called Castle William, and for supplying the treasury with bills of publick credit for detraying the charge thereof, . . .	Feb. 16,	-	Dec. 31, 1738.
<b>FIFTH SESSION.</b>		1734.		
700	Chapter 12. An act for granting the sum of three thousand pounds for the support of his majesty's governour, . . .	Apr. 19,	-	- -
700	Chapter 13. An act in further addition to an act intitled "An act for the punishing of criminal offenders" [1692-3, chap. 18; 1693, chap. 9], . . .	Apr. 19,	-	- -
<b>1734-35.—FIRST SESSION.</b>				
707	Chapter 1. An act for supplying the treasury with the sum of twenty-seven thousand three hundred and seventy-one pounds thirteen shillings and four pence, bills of credit, and for the issuing the sum of two thousand one hundred and ninety-eight pounds eighteen shillings, a surplus now remaining in the hands of the treasurer, for discharging the public debts, &c., and for establishing the wages of sundry persons, &c., in the service of the province, . . .	July 4,	-	July 6, 1736.
711	Chapter 2. An act in addition to the several acts relating to, and for preventing of, encroachments and incumbrances upon highways, private ways, streets, &c. [1693-4, chap. 6; 1698, chap. 2; 1713-14, chap. 8; 1724-25, chap. 10], . . .	July 4,	-	- -

*List of the Public Acts—Continued.*

Page	TITLES.	Date of Passage.	Disallowed by Privy Council.	Expired or had its effect.
<b>1734-35.—FIRST SESSION—Con.</b>		<b>1734.</b>		
712	Chapter 3. An act in addition to an act intitled "An act for the ease of prisoners for debt" [1730, chap. 4, § 2, 3],	July 4,	-	- -
712	Chapter 4. An act to prevent unnecessary lawsuits [1730-31, chap. 7],	July 4,	-	Aug. 8, 1741.
713	Chapter 5. An act for regulating the proceedings on bonds of administrators on intestate estates [1692-3, chap. 14, § 1],	July 4,	-	- -
714	Chapter 6. An act further to exempt persons commonly called Anabaptists, within this province, from being taxed for and towards the support of ministers [1728-29, chap. 4; 1729-30, chap. 6],	July 4,	-	July 11, 1739.
715	Chapter 7. An act in explanation of and in further addition to an act entitled, an "Act for regulating of townships, choice of town officers, and setting forth their power" [1692-3, chap. 28, § 1; 1715-16, chap. 23],	July 4,	-	- -
716	Chapter 8. An act to prevent nuisances by hedges, wears and other incumbrances obstructing the passage of fish in Merrimack River [1709-10, chap. 7; 1727, chap. 10],	July 4,	-	July 6, 1737.
717	Chapter 9. An act for erecting a new town within the county of Pl <sup>y</sup> mouth, by the name of Halifax,	July 4,	-	- -
719	Chapter 10. An act for dividing the town of Enfield, and erecting a new town there by the name of Somers,	July 4,	-	- -
720	Chapter 11. An act for erecting certain lands at a place called Naticook with other lands adjo <sup>i</sup> ny <sup>n</sup> g, lying on each side the river Merrimack, into a township by the name of Litchfield,	July 4,	-	- -
721	Chapter 12. An act for granting unto his majesty several rates and duties of impost and tunnage of shipping,	July 4,	-	Mar. 27, 1736.
726	Chapter 13. An act for apportioning and assessing a tax of sixteen thousand and fifteen pounds and twelve shillings; and also for apportioning and assessing a further tax of six thousand three hundred and forty-two pounds and eight shillings, paid the representatives for their service and attendance in general court, and travel, in the years 1732 and 1733; and also for apportioning and assessing a further tax of three hundred and twenty-seven pounds sixteen shillings and fourpence, as a fine laid on the several towns particularly in this act mentioned, for not sending a representative [1730-31, chap. 17; 1733-34, chap. 7, § 17; 1734-35, chap. 1, § 14, and chap. 18],	July 4,	-	May 31, 1735.
<b>THIRD SESSION.</b>				
736	Chapter 14. An act for enquiry into the rateable estate of this province [1727, chap. 2],	Dec. 23,	-	- -
737	Chapter 15. An act to encourage the raising of hemp and flax within this province [1715-16, chap. 19; 1718-19, chap. 5; 1725-26, chap. 7; 1730-31, chap. 11],	1734-35. Jan. 1,	-	Jan. 4, 1737-38.
738	Chapter 16. An act in addition to an act [e]ntitled "An act for the settlement and distribution of the estates of intestates" [1692-3, chap. 14, § 1; 1719-20, chap. 10, § 4],	Jan. 1,	-	- -
739	Chapter 17. An act for dividing the town of Billerica, and erecting the northerly and north-easterly part of said town into a distinct township, by the name of Tewksbury,	1734. Dec. 17,	-	- -

*List of the Public Acts—Continued.*

Page.	TITLES.	Date of Passage.	Disallowed by Privy Council.	Expired or had its effect.
<b>1734-35.—FOURTH SESSION.</b>		1735.		
741	Chapter 18. An act for granting the sum of three thousand pounds for the support of his majesty's governor, . . .	April 18,	-	- -
741	Chapter 19. An act for dividing the towns of Taunton and Dighton, and erecting a new town there by the name of Berkeley, . . .	April 18,	-	- -
743	Chapter 20. An act for erecting a town in the county of Worcester, at a plantation called Hassanamisco, by the name of Grafton, . . .	April 18,	-	- -
743	Chapter 21. An act to prevent the currency of certain bills or notes of hand emitted by a society or number of persons in the province of New Hampshire, . . .	April 18,	-	- -
<b>1735-36.—FIRST SESSION.</b>				
751	Chapter 1. An act for supplying the treasury with the sum of thirty-three thousand two hundred and sixty-nine pounds four shillings and eightpence, bills of credit, and for the issuing the sum of seven thousand nine hundred and thirty-eight pounds eleven shillings, a surplus now remaining in the hands of the treasurer, for discharging the publick debts, &c., and for establishing the wages of sundry persons, &c., in the service of the province; and for the more easy and effectual drawing the bills hereby emitted, into the treasury again, . . .	July 3,	-	July 5, 1737.
755	Chapter 2. An act in addition to an act entitled, "An act for the hearing and determining cases in equity," made and passed in the tenth year of the reign of King William the Third [1698, chap. 22], . . .	July 3,	-	- -
756	Chapter 3. An act for altering the place of holding the courts of general sessions of the peace and inferior courts of common pleas within and for the county of York [1704-5, chap. 6], . . .	July 3,	-	- -
756	Chapter 4. An act for employing and providing for the poor [of] [in] the town of Boston [1692-3, chap. 28, § 7; 1699-1700, chap. 8; 1703-4, chap. 14; 1730-31, chap. 3], . . .	July 3,	-	- -
758	Chapter 5. An act directing how meetings of proprietors in wharves, or other real estate besides lands, may be called [1694-5, chap. 15, § 1; 1726-27, chap. 15], . . .	July 3,	-	- -
759	Chapter 6. An act to subject the unimproved lands within this province to be sold for payment of taxes assessed on them by order of the great and general court, and votes and agreements of the proprietors thereof, . . .	July 3,	-	July 3, 1742.
760	Chapter 7. An act for the ease of prisoners for debt [1730, chap. 4], . . .	July 3,	-	Jan. 9, 1740-41.
761	Chapter 8. An act in further addition to, and explanation of, the act, intitled, "An act for regulating townships, choice of town officers," &c. [1692-3, chap. 28; 1734-35, chap. 7], . . .	July 3,	-	July 3, 1738.
762	Chapter 9. An act in explanation of and further addition to the "Act for making lands and tenements liable to the payment of debts" [1696, chap. 10], . . .	July 3,	-	- -
763	Chapter 10. An act for dividing the town of Concord, and erecting a new town there by the name of Acton, . . .	July 3,	-	- -

*List of the Public Acts—Continued.*

Page.	TITLES.	Date of Passage.	Disallowed by Privy Council.	Expired or had its effect.
	<b>1735-36.—FIRST SESSION—Con.</b>	<b>1735.</b>		
764	Chapter 11. An act for dividing the towns of Mendon, Sutton, Uxbridge and Hopkinton, and erecting a new town in the county of Worcester, by the name of Upton, . . .	June 14,	-	- - -
765	Chapter 12. An act for granting unto his majesty several rates and duties of impost and tunnage of shipping, . . .	July 3,	-	July 6, 1736.
771	Chapter 13. An act for apportioning and assessing a tax of thirty thousand ninety-nine pounds fourteen shillings and threepence; with an additional tax of twenty-six pounds five shillings, ordered by the general court in April last, on the town of Falmouth, in the county of York; and also for apportioning and assessing a further tax of two thousand eight hundred and six pounds nine shillings, paid the representatives for their service and attendance in general court, and travel, in the years one thousand seven hundred and thirty-four and one thousand seven hundred and thirty-five [1733-34, chap. 7, § 18; 1734-35, chaps. 1 and 23], . . .	July 3,	-	May 31, 1736.
781	Chapter 14. An act for the more effectual regulating the private trade with the Eastern and Western Indians, and the preventing abuses therein [1731-32, chap. 7, § 5], . . .	Dec. 27,	-	Apr. 26, 1738-39.
782	Chapter 15. An act in addition to the several acts or laws of this province for the settlement and support of ministers [1715-16, chap. 17; 1722-23, chap. 4; 1723-24, chap. 14; 1727-28, chap. 7], . . .	Dec. 27,	-	Jan. 21, 1740-41
784	Chapter 16. An act for the more effectual collecting the excise upon strong liquors within this province [1732-33, chap. 1], . . .	Dec. 27,	-	June 29, 1737.
784	Chapter 17. An act in explanation of an act entitled, "An act for the relief of poor prisoners for debt" [1732-33, chap. 7, § 1], . . .	Dec. 27,	-	Mar. 27, 1736.
785	Chapter 18. An act more effectually to prevent the counterfeiting the bills of credit on this province, . . .	1735-36. Jan. 16,	-	- - -
785	Chapter 19. An act to empower the collectors of taxes to require aid, . . .	Jan. 16,	-	- - -
786	Chapter 20. An act to prevent unnecessary petitions to the great and general court, . . .	Jan. 16,	-	Apr. 25, 1741.
786	Chapter 21. An act to prevent the destruction of the fish called alewives [1709-10, chap. 7; 1727, chap. 10; 1734-35, chap. 8], . . .	Jan. 16,	-	Jan. 21, 1742-43.
788	Chapter 22. An act granting to Rowland Houghton of Boston, in the county of Suffolk, merchant, the sole privilege of making and vending a certain surveying instrument called "the new theodolite," . . .	Jan. 16,	-	Jan. 21, 1742-43.
	<b>FOURTH SESSION.</b>	<b>1736.</b>		
789	Chapter 23. An act for granting the sum of three thousand pounds, for the support of his majesty's governor, . . .	Mar. 27,	-	- - -
789	Chapter 24. An act for altering the time for holding the superiour court of judicature, court of assize and general goal delivery, within and for the county of York [1733-34, chap. 9, § 2], . . .	Mar. 27,	-	- - -



*List of the Public Acts—Continued.*

Page.	TITLES.	Date of Passage.	Disallowed by Privy Council.	Expired or had its effect.
<b>1736-37.—FIRST SESSION.</b>		1736.		
793	Chapter 1. An act for granting the sum of three thousand pounds for the support of his majesty's governour,	July 6,	-	- -
793	Chapter 2. An act to empower and oblige the surviving trustees of the first fifty thousand pounds loan, so called, to comply with what was enjoyned the said trustees in the several acts referring to the said loan [1714, chap. 10],	July 6,	-	- -
794	Chapter 3. An act to prevent the multiplicity of law-suits,	July 6,	-	July 8, 1741-42.
795	Chapter 4. An act to enable the overseers of the poor and selectmen to take care of idle and disorderly persons [1722-23, chap. 2],	July 6,	-	July 8, 1746-47.
795	Chapter 5. An act for rebuilding the bridge called Miles Bridge, over the river between Swan[s]ey and Barrington,	July 6,	-	- -
796	Chapter 6. An act for granting unto his majesty several rates and duties of impost and tannage of shipping,	July 6,	-	Jan. 16, 1737-38.
802	Chapter 7. An act for apportioning and assessing a tax of twenty-nine thousand nine hundred and fifty-three pounds seven shillings and sixpence; and also for apportioning and assessing a further tax of three thousand one hundred and thirty-five pounds five shillings, paid the representatives for their service and attendance in general court, and travel, <i>anno</i> one thousand seven hundred and thirty-five; and also for apportioning and assessing a further tax of one hundred and forty pounds, as a fine laid on the several towns particularly in this act mentioned, for not sending a representative [1731-32, chap. 16; 1733-34, chap. 7, § 19; 1734-35, chap. 1, § 18; 1735-36, chap. 1, § 17; <i>ibid.</i> , § 14],	July 6,	-	May 31, 1737.
<b>SECOND SESSION.</b>		1736-37.		
811	Chapter 8. An act for supplying the treasury with the sum of eighteen thousand pounds in bills of credit of the present form and tenor, and nine thousand pounds in bills of credit of a new form, for discharging the publick debts, &c.; and for establishing the wages of sundry persons, &c., in the service of the province, and for the more easy and effectual drawing in the said eighteen thousand pounds into the treasury again; and for the apportioning the said nine thousand pounds on the several and respective towns in the province,	Feb. 4,	-	- -
827	Chapter 9. An act to prevent the tearing and defacing the bills of credit on this province and the neighbouring governments, as also the passing of the same after they are torn and defaced [1714, chap. 5, §§ 2, 3],	Feb. 4,	-	- -
828	Chapter 10. An act for the regular appointment of petit jurors [1699-1700, chap. 3, § 5],	Feb. 4,	-	July 11, 1739.
829	Chapter 11. An act for the better regulating porters employed within the town of Boston,	Feb. 4,	-	Feb. 6, 1741-42.
831	Chapter 12. An act for making more effectual provision for the service of original summons upon mean process [1699-1700, chap. 2, § 3; 1701-2, chap. 2, § 1],	Feb. 4,	-	- -
831	Chapter 13. An act for the relief of poor prisoners for debt [1732-33, chap. 7],	Feb. 4,	-	Feb. 6, 1741-42.

*List of the Public Acts—Continued.*

Page.	TITLES.		Date of Passage.	Disallowed by Privy Council.	Expired or had its effect.
1736-37.—SECOND SESSION.— <i>Cont.</i>			1736-37.		
834	Chapter 14.	An act in addition to an act intituled "An act for highways" [1727-28, chap. 1], . . .	Feb. 4,	-	-
834	Chapter 15.	An act for securing the reasonable payment of town and precinct rates or assessments [1732-33, chap. 15], . . .	Feb. 4,	-	Apr. 28, 1744.
835	Chapter 16.	An act in further addition to an act directing the admission of town inhabitants, made and pass[ed] in the thirteenth year of the reign of King William the Third [1700-1, chap. 23; 1731-32, chap. 8], . . .	Feb. 4,	-	-
836	Chapter 17.	An act to prevent gaming for money or other gain [1692-3, chap. 20, § 3; 1693, chap. 9], . . .	Feb. 4,	-	Feb. 6, 1741-42.
838	Chapter 18.	An act for the more effectual preventing and punishing of theft [see 1716-17, chap. 15], . . .	Feb. 4,	-	-
838	Chapter 19.	An act for the better regulating of the service of executions, as well by sheriffs as coroners, more especially in the remote counties of the province, . . .	Feb. 4,	-	-
839	Chapter 20.	An act obliging the coroners within the several counties of this province to give security for the due performance of their office [1700-1, chap. 3; 1717-18, chap. 4; 1725-26, chap. 8; 1736-37, chap. 19], . . .	Feb. 4,	-	-
840	Chapter 21.	An act for altering the times appointed by law for holding the superiour court of judicature, court of assize and general goal delivery, and likewise the inferiour court of common pleas and general sessions of the peace, in the count[ie][y]s of Essex, Bristol, Worcester and Nantucket [1699-1700, chap. 3, § 2; 1720-21, chap. 1, § 1; 1699-1700, chap. 2, § 2; 1732-33, chap. 8; 1730-31, chap. 8, § 2], . . .	Feb. 4,	-	-
841	Chapter 22.	An act for the better regulating swine [1731-32, chap. 1], . . .	Feb. 4,	-	Apr. 25, 1747.
842	Chapter 23.	An act in further addition to the act encouraging the [the] killing of wolves, made in the fifth year of the reign of King William and Queen Mary [1693, chap. 6], . . .	Feb. 4,	-	Apr. 25, 1747.
843	Chapter 24.	An act for encouraging the killing of wild-cats [1728-29, chap. 9; 1731-32, chap. 3], . . .	Feb. 4,	-	Feb. 6, 1746-47.
1737-38.—FIRST SESSION.			1737.		
849	Chapter 1.	An act for-granting unto his majesty an excise upon wines and spirits distilled, sold by retail, and upon lemons and limes, . . .	July 2,	-	June 29, 1740.
854	Chapter 2.	An act for granting the sum of one thousand pounds in bills of credit of the new tenour for the support of his majesty's government, . . .	June 28,	-	Dec. 31, 1740.
855	Chapter 3.	An act for the payment of the members of his majesty's council, and the representatives serving in the general court [1731-32, chap. 12], . . .	June 28,	-	-
856	Chapter 4.	An act to prevent nuisances by hedges, wears and other incumbrances obstructing the passage of fish in Merrimack River [1734-35, chap. 8], . . .	June 28,	-	June 30, 1747-48.
857	Chapter 5.	An act for supplying the treasury with the sum of twenty thousand pounds in bills of credit of the new tenor, for discharging the public debts, &c.; and for establishing the wages of sundry persons, &c., in the service of the province; and for the drawing the said bills into the treasury again, [&c.,] and for stating the proportion between the bills of the old and new tenor in private payments, . . .	July 2,	-	-

*List of the Public Acts—Continued.*

Page.	TITLES.	Date of Passage.	Disallowed by Privy Council.	Expired or had its effect.
<b>1737-38.—FIRST SESSION—Con.</b>		<b>1737.</b>		
876	Chapter 6. An act further to exempt persons commonly called Quakers, within this province, from being taxed for and towards the support of ministers [1731-32, chap. 11 and note],	June 28,	-	Apr. 23, 1748.
877	Chapter 7. An act for allowing necessary supplies to the eastern and western Indians, and for regulating trade with them [1732-33, chap. 17],	July 5,	-	Apr. 23, 1743.
879	Chapter 8. An act in further addition to an act made in the first year of his present majesty's reign, entitled, "An act to prevent co-parceners, jo[i][y]nt tenants and tenants in common, from committing strip and waste upon lands by them held in common and undivided" [1727, chap. 18; 1726-27, chap. 3; 1698, chap. 7],	July 2,	-	Apr. 23, 1748.
880	Chapter 9. An act in further addition to an act, entitled "An act for the rel[e]i[e]f of idiots and distracted persons" [1693-4, chap. 18; 1731-32, chap. 14],	July 2,	-	June 24, 1748.
882	Chapter 10. An act to prevent misch[e]i[c]f being done by unruly dogs, and the keeping of any dogs, on the islands of Martha's Vineyard and Nantucket[t],	July 2,	-	Apr. 23, 1748.
883	Chapter 11. An act for making two thousand six hundred twenty-five pounds in small bills of several denominations, to be exchanged for larger bills by the province treasurer,	July 2,	-	- -
886	Chapter 12. An act to prevent deceit in the gage of casks [1730-31, chap. 5],	July 2,	-	Apr. 23, 1748.
887	Chapter 13. An act for granting unto his majesty several rates and duties of impost and tunage of shipping,	June 28,	-	June 29, 1738.
893	Chapter 14. An act for apportioning and assessing a tax of forty-four thousand nine hundred and thirty pounds one shilling and threepence; and also for apportioning and assessing a further tax of three thousand eight hundred and twenty-five pounds eight shillings, paid the representatives for their service and attendance in general court, and travel, <i>anno</i> one thousand seven hundred and thirty-six; and also for apportioning and assessing a further tax of one hundred and sixty-five pounds, as a fine, laid on the several towns particularly in this act mentioned, for not sending a representative [1733-34, chap. 7, § 20; 1733-34, chap. 11, § 7; 1735-36, chap. 1, § 1; 1736-37, chap. 8],	July 2,	-	May 31, 1738.
<b>FOURTH SESSION.</b>		<b>1737-38.</b>		
905	Chapter 15. An act for supplying the treasury with the sum of six thousand pounds in bills of credit of the new tenor, for discharging the publick debts, &c.; and for the drawing in the said bills into the treasury again,	Jan. 4,	-	- -
913	Chapter 16. An act for preventing the destruction of wild fowl [1727, chap. 17],	Jan. 4,	-	Apr. 23, 1743.
913	Chapter 17. An act for the rel[e]i[e]f of poor prisoners for debt [1736-37, chap. 13],	Jan. 4,	-	Apr. 25, 1741.
916	Chapter 18. An act in addition to the several acts relating to the admeasurment of boards, plank and timber, and for regulating the tale and assize of shingles, and also for regulating the tale and assize of clap-boards [1727, chap. 7],	Jan. 4,	-	Apr. 28, 1744.

*List of the Public Acts—Continued.*

Page.	TITLES.	Date of Passage.	Disallowed by Privy Council.	Expired or had its effect.
<b>1737-38.—FOURTH SESSION—Con.</b>		<b>1737-38.</b>		
917	Chapter 19. An act for regulating the assize of staves, .	Jan. 4,	-	Apr. 23, 1743.
918	Chapter 20. An act to impower the justices of his majesty's several courts of judicature to cause warrants to be issued out for the appointment of petit jurors during the sitting of the said courts [1736-37, chap. 10], .	Jan. 4,	-	July 11, 1739.
919	Chapter 21. An act for dividing the town of Watertown and erecting a new town there by the name of Waltham, .	Jan. 4,	-	- -
919	Chapter 22. An act to prevent the spreading of infectious sickness within the island of Martha's Vineyard, .	Jan. 16,	-	Jan. 16, 1740-41
920	Chapter 23. An act for encouraging the making of linseed oyl[c] in the county of Hampshire, .	Jan. 16,	-	- -
921	Chapter 24. An act in addition to an act, entitled "An act for directing how rates and taxes, to be granted by the general assembly, as also county, town and precinct rates, shall be assessed and collected" [1730, chap. 1, § 22], .	Jan. 16,	-	- -
922	Chapter 25. An act in addition to an act entitled, "An act for erecting a new town within the county of Pl[y][i]mouth, by the name of Hanover [1727, chap. 14], .	Jan. 16,	-	- -
<b>1738-39.—FIRST SESSION.</b>		<b>1738.</b>		
927	Chapter 1. An act for supplying the treasury with the sum of six thousand pounds in bills of credit of the new tenor, for discharging the publick debts, &c.; and for establishing the wages of sundry persons, &c., in the service of the province, and for the drawing in of the said bills into the treasury again; and for stating the proportion between the bills of the old and new teno[u]r in all publick and private payments, .	June 29,	-	- -
937	Chapter 2. An act for granting the sum of twelve hundred pounds, in bills of credit of the new teno[u]r, for the support of his majesty's governour, .	June 24,	-	Dec. 31, 1741.
937	Chapter 3. An act for the payment of the members of his majesty's council, and the representatives serving in the general court [1737-38, chap. 3], .	June 24,	-	June 27, 1741
938	Chapter 4. An act for preventing unnecessary expence of time in the attendance of petit jurors on the several courts of justice, and for enlarging their fees, and the allowance to witnesses in civil causes and the parties recovering judgment [1732-33, chap. 6], .	June 24,	-	- -
939	Chapter 5. An act for [making] [rendring] more effectual an act entitled "An act for regulating the militia" [1693-4, chap. 3], .	June 24,	-	June 27, 1741.
941	Chapter 6. An act to enable the proprietors of the several townships, lately granted by the general court, to raise moneys for defraying the charges for settling the same, .	June 24,	-	- -
942	Chapter 7. An act for dividing the town of Lancaster in the county of Worcester, and erecting a new town there by the name of Bolton, .	June 24,	-	- -
943	Chapter 8. An act for regulating the hospital on Rainsford's Island, and further providing in case of sickness [1701-2, chap. 9; 1728-29, chap. 8], .	June 29,	-	Dec. 15, 1743.

*List of the Public Acts—Continued.*

Page.	TITLES.	Date of Passage.	Disallowed by Privy Council.	Expired or had its effect.
<b>1738-39.—FIRST SESSION—Con.</b>		<b>1738.</b>		
944	Chapter 9. An act to enable and oblige the surviving trustees or commissioners of the one hundred thousand pounds loan, to comply with their duty by law required [1716-17, chap. 18], . . .	June 29,	-	May 31, 1739.
945	Chapter 10. An act in addition to and explanation of the act for rel[c]i[c]f of poor prisoners for debt [1737-38, chap. 17], . . .	June 29,	-	- -
946	Chapter 11. An act for erecting a new town in the county of Worcester, at a plantation called New Medfield, by the name of Sturbridge, . . .	June 24,	-	- -
946	Chapter 12. An act for granting unto his majesty several rates and duties of impost and tunage of shipping, . . .	June 24,	-	Dec. 31, 1739.
952	Chapter 13. An act for apportioning and assessing a tax of thirteen thousand pounds, in bills of credit of the new form and tenor; and also for apportioning and assessing a further tax of nine hundred seventy-four pounds sixteen shillings and sixpence, in bills of said form and tenor, paid the representatives for their service and attendance in general court, and travel, <i>anno</i> one thousand seven hundred and thirty-seven; and also for apportioning and assessing a further tax in said bills of the new tenor, of one hundred pounds, as a fine, laid on the several towns particularly in this act mentioned, for not sending a representative [1731-32, chap. 5; 1733-34, chap. 7, § 21; 1733-34, chap. 11, § 6; 1736-37, chap. 1, § 2; 1737-38, chap. 15], . . .	June 28,	-	May 31, 1739.
<b>SECOND SESSION.</b>		<b>1738-39.</b>		
965	Chapter 14. An act for better securing the value of the bills of publick credit on this province, . . .	Jan. 10,	-	- -
966	Chapter 15. An act to enable creditors to receive their just debts out of the effects of their absent or absconding debtors [1728-29, chap. 3], . . .	Jan. 10,	-	Jan. 27, 1748-49.
967	Chapter 16. An act to prevent neat cattle and horses running at large and feeding upon the beach adjoining to the Eastern Harbour Meadows in the township of Truro in the county of Barnstable, . . .	Jan. 10,	-	Jan. 27, 1743-44.
969	Chapter 17. An act for erecting all the lands within the town of Boston lying on the northerly and north-east[er] [ward]ly side of the harbour (heretofore called Winnisimmet, Rumney Marsh and Pullin Point), contained in a division or district of said town's, called Number Thirteen (excepting Noddle's Island and Hog Island), into a distinct and separate township, by the name of Chelsea, . . .	Jan. 10,	-	- -
971	Chapter 18. An act for erecting a plantation in the county of Worcester, called Lambstown, into a township by the name of Hardwicke, . . .	Jan. 10,	-	- -
972	Chapter 19. An act in addition to an act for the relief of and to prevent the oppression of debtors [1730-31, chap. 13], . . .	Jan. 26,	-	- -
972	Chapter 20. An act in addition to an act made in the eleventh year of his majesty's reign, intituled "An act to enable the proprietors of the several townships lately granted by the general court, to raise moneys for defraying the charges of settling the same" [1738-39, chap. 6], . . .	Jan. 26,	-	- -



*List of the Public Acts—Continued.*

Page.	TITLES	Date of Passage.	Disallowed by Privy Council.	Expired or had its effect.
<b>1738-39.—SECOND SESSION—Con.</b>		<b>1738-39.</b>		
973	Chapter 21. An act for issuing out of the treasury the sum of three thousand five hundred and thirty-eight pounds ten shillings and threepence, in bills of the new form and tenour, the surplus in said bills now remaining in the hands of the treasurer, being the ballance, or remains, of sundry appropriations formerly made at sundry times by this court, and then reserv'd for their further order; and also for establishing the wages of sundry persons, &c., in the service of the province, . . .	Jan. 26,	-	- -
976	Chapter 22. An act providing more effectually for bringing the outstanding bills of the sixty-thousand-pounds loan into the treasury, ordered to be emitted in the year 1727 [1727-28, chap. 17], . . .	Jan. 26,	-	May 1, 1740.
977	Chapter 23. An act for the more effectual obliging of executors to inventory the estate of their testators [1703-4, chap. 12], . . .	Jan. 26,	-	- -
977	Chapter 24. An act in further addition to an act, intitled "An act for the due regulation of weights and measures," made in the fourth year of the reign of their late majesties King William and Queen Mary [1692-3, chap. 30; 1695-6, chap. 9; 1700-1, chap. 10; 1705-6, chap. 6; 1730-31, chap. 18], . . .	Jan. 26,	-	- -
979	Chapter 25. An act to prevent the unnecessary journeying of the members of the general court [1727-28, chap. 15], . . .	Jan. 26,	-	Jan. 26, 1743-44.
980	Chapter 26. An act in further addition to and explanation of the act entitled "An act for regulating townships, choice of town officers," &c. [1692-3, chap. 28; 1735-36, chap. 8], . . .	Jan. 26,	-	Jan. 26, 1741-42.
981	Chapter 27. An act more effectually to secure the duty on the importation of negroes [1705-6, chap. 10; 1728-29, chap. 16], . . .	Jan. 26,	-	Jan. 27, 1748-49.
982	Chapter 28. An act for erecting a township in the county of York, by the name of Brunswick, . . .	Jan. 26,	-	- -
<b>1739-40.—FIRST SESSION.</b>		<b>1739.</b>		
987	Chapter 1. An act to prevent the spreading of the small-pox or other infectious sickness [1701-2, chap. 9], . . .	June 15,	-	June 15, 1742.
988	Chapter 2. An act for granting the sum of twelve hundred pounds, for the support of his majesty's governour, . . .	June 20,	-	- -
988	Chapter 3. An act in addition to an act entitled "An act for the better preservation and increase of deer within this province" [1698, chap. 21; 1717-18, chap. 12], . . .	July 10,	-	July 14, 1744.
990	Chapter 4. An act to enable the executors or administrators of deceased farmers of excise to collect such sums as are due to them at the time of their decease [1737-38, chap. 1], . . .	June 19,	-	- -
990	Chapter 5. An act for erecting a plantation, in the county of Hampshire, called Arlington, into a township by the name of Winchester, . . .	June 16,	-	- -
991	Chapter 6. An act for erecting the plantation on Housatunnock River into a township by the name of Stockbridge, . . .	June 22,	-	- -
992	Chapter 7. An act for dividing the towns of Rochester and Plymouth, in the county of Plymouth, and erecting a new town there by the name of Wareham, . . .	July 10,	-	- -

*List of the Public Acts—Continued.*

Page.	TITLES.	Date of Passage.	Disallowed by Privy Council.	Expired or had its effect.
<b>1739-40.—THIRD SESSION.</b>		<b>1739.</b>		
993	Chapter 8. An act for the effectual prevent[ing] [on] of horses, neat cattle, sheep and swine from running at large or feeding upon a certain island called Plumb Island, lying in Ipswich Bay in the county of Essex, . . .	Dec. 28,	-	Dec. 29, 1744.
994	Chapter 9. An act in explanation of sundry acts, heretofore made, referring to the admission of town inhabitants [1700-1, chap. 23, §§ 4 and 5; 1731-32, chap. 8, § 1; 1736-37, chap. 16, § 1], . . .	1739-40, Jan. 5,	-	- -
996	Chapter 10. An act to impower and oblige the surviving trustee of the first fifty-thousand-pounds loan, so called, to comply with what was enjoined the said trustees in the several acts referring to the said loan [1714, chap. 10, § 4], . . .	1739, Dec. 31,	-	- -
996	Chapter 11. An act in addition to an act intitled "An act in further addition to the several acts or laws of this province relating to the office and duty of a coroner" [1725-26, chap. 8, —and see 1736-37, chap. 19], . . .	1739-40, Jan. 9,	-	- -
997	Chapter 12. An act in addition to the several laws of this province relating to common roads and private ways [1736-37, chap. 14], . . .	Jan. 9,	-	Jan. 14, 1744-45.
998	Chapter 13. An act for granting unto his majesty several rates and duties of impost and tonnage of shipping [1736-37, chap. 8], . . .	1739, Dec. 20,	-	Dec. 31, 1740.
<b>FOURTH SESSION.</b>		<b>1740.</b>		
1005	Chapter 14. An act to prevent unnecessary cost being allowed to parties and witnesses in the several courts of justice within this province, . . .	Mar. 27,	-	Mar. 29, 1745.
1006	Chapter 15. An act to prevent any persons obstructing the fish in their passing up into Monaquot River, within the town of Brainerd, . . .	Mar. 25,	-	July 11, 1740-41.
<b>1740-41.—FIRST SESSION.</b>				
1011	Chapter 1. An act for granting the sum of three thousand six hundred pounds for the support of his majesty's governour, . . .	June 23,	-	- -
1011	Chapter 2. An act for supplying the treasury with the sum of eighty thousand pounds, in bills of credit, for discharging the publick debts, &c.; and for establishing the wages of sundry persons, &c., in the service of the province; and for the drawing of the said bills into the treasury again, . . .	July 7,	-	- -
1016	Chapter 3. An act for granting unto his majesty an excise upon wines, liquors and other strong drink sold by retail, and upon l[ic]m[m]ons and limes, . . .	June 30,	-	June 29, 1742.
1020	Chapter 4. An act for limitation of actions, and for avoiding suits in law, where the matter is of long standing, . . .	July 7,	-	- -
1021	Chapter 5. An act for altering the time for the s[e]c[re]t[ing] of the court of general sessions of the peace and inferiour court of common pleas within and for the county of Dukes County, in the month of March [1719-20, chap. 5; 1699-1700, chap. 2, § 2], . . .	June 30,	-	- -

*List of the Public Acts—Continued.*

Page.	TITLES.	Date of Passage.	Disallowed by Privy Council.	Expired or had its effect.
<b>1740-41.—FIRST SESSION—Con.</b>		1740.		
1021	Chapter 6. An act further to exempt persons commonly called An[n]abaptists, within this province, from being taxed for and towards the support of ministers [1734-35, chap. 6],	June 30,	-	Apr. 23, 1748.
1023	Chapter 7. An act for dividing the town of Lancaster, and making a new town there by the name of Leominster,	June 23,	-	- -
1024	Chapter 8. An act for apportioning and assessing a tax of twenty-four thousand pounds, in bills of credit of the new tenor and form already extant; and also for apportioning and assessing a further tax of one thousand six hundred and seventy-four pounds seventeen shillings and fourpence, in bills of credit of said tenor and form, paid the representatives for their service and attendance in general court, and travel, <i>anno</i> one thousand seven hundred and thirty-eight, and in their session in April, one thousand seven hundred and thirty-nine; and also for apportioning a further tax, in said bills of the new tenor, of one hundred and thirty-six pounds thirteen shillings and fourpence, as a fine laid the last year and this present, on the several towns particularly in this act mentioned, for not sending a representative [1733-34, chap. 7, §§ 22 and 23; 1737-38, chap. 2, § 2; and chap. 15, § 10; 1738-39, chap. 1, § 19],	July 9,	-	Mar. 31, 1741.
<b>SECOND SESSION.</b>				
1036	Chapter 9. An act to establish the several highways in Little Compton, in the county of Bristol,	Sept. 6,	-	- -
1037	Chapter 10. An act for encouraging the expedition against the Spanish settlements in the West Indies, . . . . .	Sept. 6,	-	- -
<b>THIRD SESSION.</b>				
1038	Chapter 11. An act for the more effectual regulating the private trade with the eastern and western Indians, and the preventing abuses therein [1737-38, chap. 7, § 5],	Dec. 31,	-	Apr. 23, 1743
1040	Chapter 12. An act to appropriate the sum of sixteen thousand and seventy-three pounds four shillings and fivepence, the surplus of several appropriations now lying in the hands of the treasurer, . . . . .	1740-41. Jan. 9,	-	- -
1041	Chapter 13. An act for altering the times for holding the superior courts of judicature, courts of assize and general goal delivery, within the countys of Plymouth and Barnstable, and the inferior court of common pleas held at Boston, within and for the county of Suffolk [1733-34, chap. 9, § 1; 1699-1700, chap. 2, § 2].	Jan. 9,	-	- -
1042	Chapter 14. An act to prevent strip and waste on lands while suits are depending in the law for the same, . . . . .	Jan. 9,	-	Apr. 26, 1746.
1042	Chapter 15. An act to prevent damage being done to the harbour of Cape Cod by cattle and horse-kind feeding on Provincetown land [1738-39, chap. 16], . . . . .	Jan. 9,	-	- -

*List of the Public Acts—Continued.*

Page.	TITLES.	Date of Passage.	Disallowed by Privy Council.	Expired or had its effect.
<b>1740-41.—THIRD SESSION—Con.</b>		<b>1740-41.</b>		
1043	Chapter 16. An act for erecting the northerly part of the town of Worcester, in the county of Worcester, into a distinct and separate township, by the name of Holden, . . .	Jan. 9,	-	-
1044	Chapter 17. An act for granting unto his majesty several rates and duties of impost and tunnage of shipping [1736-37, chap. 8], . . .	1740. Dec. 31,	-	Apr. 23, 1742.
<b>FOURTH SESSION.</b>		<b>1741.</b>		
1051	Chapter 18. An act for reviving of actions and processes, &c., depending in the court of common pleas, within and for the county of Bristol, discontinued by reason of the severity of the winter, . . .	Apr. 10,	-	-
1052	Chapter 19. An act in further addition to an act for regulating of fences, &c. [1693-4, chap. 7; 1698, chap. 12, § 5; 1727-28, chap. 13], . . .	Apr. 10,	-	Apr. 10, 1746.
1053	Chapter 20. An act for explanation of and supplement to the act referring to the poor, &c. [1730-31, chap. 3], . . .	Apr. 10,	-	Apr. 23, 1748.
1054	Chapter 21. An act in addition to the several acts heretofore made relating to common nuisances [1692-3, chap. 23; 1696, chap. 13; 1708-9, chap. 4; 1710-11, chap. 8], . . .	Apr. 10,	-	-
1055	Chapter 22. An act for the case of prisoners for debt [1735-36, chap. 7], . . .	Apr. 10,	-	Apr. 26, 1746.
1056	Chapter 23. An act to encourage the increase of sheep and goats, . . .	Apr. 10,	-	Apr. 10, 1748.
1057	Chapter 24. An act to prevent damage to indian corn and other grain, . . .	Apr. 10,	-	Apr. 10, 1746.
1058	Chapter 25. An act for erecting Suff[c]i[c]ld equivalent lands, commonly called Glasgow, in the county of Hampshire, into a township by the name of Blandford, . . .	Apr. 10,	-	-
1059	Chapter 26. An act to prevent the exportation of provisions for supplying his majesty's enemies, . . .	Apr. 10,	-	Aug. 8, 1741.
<b>1741-42.—FIRST SESSION.</b>				
1065	Chapter 1. An act to prevent unnecessary petitions to the great and general court [1735-36, chap. 20], . . .	Aug. 8,	-	Apr. 22, 1749.
1065	Chapter 2. An act to enable proprietors in common and undivided lands to chuse treasurers for their respective proprietries as occasion may require [1727, chap. 9], . . .	Aug. 8,	-	-
1066	Chapter 3. An act to enable proprietors of general [and] [or] common f[c]i[c]lds to raise taxes, . . .	Aug. 8,	-	-
1067	Chapter 4. An act in addition to an act entitled "An act for explanation of, and supplement to, an act referring to the poor" [1740-41, chap. 20], . . .	Aug. 8,	-	Aug. 8, 1746.
1067	Chapter 5. An act for the better regulating porters employ[c]d within the town of Boston [1736-37, chap. 11], . . .	Aug. 8,	-	Aug. 10, 1748.
1069	Chapter 6. An act for the rel[c]i[c]f of poor prisoners for debt [1737-38, chap. 17; 1738-39, chap. 10], . . .	Aug. 8,	-	Aug. 18, 1744.
<b>THIRD SESSION.</b>				
1071	Chapter 7. An act in further addition to the several acts for the [better] observation and keeping of the Lord's Day [1692-3, chap. 22; 1693, chap. 9; 1693-4, chap. 20, § 5; 1698, chap. 10, § 4; 1711-12, chap. 6, § 24, <i>et seq.</i> ; 1716-17, chap. 13; 1727-8, chap. 5], . . .	Oct. 14,	-	-

*List of the Public Acts—Continued.*

Page.	TITLES.	Date of Passage.	Disallowed by Privy Council.	Expired or had its effect.
<b>1741-42.—THIRD SESSION—Con.</b>		<b>1741.</b>		
1072	Chapter 8. An act for granting the sum of one hundred and eighty-two pounds to the honourable Jonathan Belcher, Esqr., late governor of this province,	Oct. 14,	-	- -
1072	Chapter 9. An act for enquiry into the rateable estate of this province [1734-35, chap. 14],	Oct. 14,	-	- -
1074	Chapter 10. An act for granting a sum for the pay of the members of the council and house of representatives in general court assembled, and for establishing the wages, &c., of sundry persons in the service of the province,	Oct. 14,	-	Apr. 23, 1743.
<b>FOURTH SESSION.</b>		<b>1741-42.</b>		
1077	Chapter 11. An act for supplying the treasury with the sum of thirty thousand pounds, in bills of credit, for discharging publick debts, &c., for appropriating the same, and drawing them, and, also, the bills already extant, again into the treasury,	Jan. 15,	-	- -
1083	Chapter 12. An act to ascertain the value of money, and of the bills of publick credit of this province, granted this present year for the supply of the treasury; and for securing the credit of said bills [1738-39, chap. 14],	Jan. 15,	-	- -
1085	Chapter 13. An act to encourage men to enlist themselves in the province snow, and more effectually to guard the sea-coast during the present war with Spain [1740-41, chap. 2, § 11, and notes, and chap. 10],	Jan. 15,	-	- -
1086	Chapter 14. An act to retrench the extraordinary expence at funerals [1724-25, chap. 7],	Jan. 15,	-	Jan. 18, 1746-47
1086	Chapter 15. An act to alter several laws that require appellants to file and produce the reasons of their appeal [1724-25, chap. 4],	Jan. 5,	-	- -
1087	Chapter 16. An act in addition to an act made to prevent the destruction of the fish called alewives, and other fish [1735-36, chap. 21],	Jan. 15,	-	- -
1088	Chapter 17. An act for erecting a par[s]cel[l] of the lands belonging to the inhabitants of the westerly part of the town of Brookf[e]ld, and the northerly part of the town of Brimf[e]ld, and easterly part of Kingsf[e]ld, so called; (vizt., those parts of the said lands that adjoin to said Brookf[e]ld), into a township by the name of Western,	Jan. 16,	-	- -
<b>FIFTH SESSION.</b>		<b>1742.</b>		
1090	Chapter 18. An act for the better regulating the choice of petit jurors [1736-37, chap. 10; 1737-38, chap. 20],	Apr. 23,	-	Apr. 24, 1749.
1092	Chapter 19. An act for altering the times for holding the superiour court of judicature, court of assize and general goal delivery, within the counties of Suffolk, Middlesex, Pl[y]mouth, and Barnstable, for the counties of Barnstable and Dukes County [1724-25, chap. 11; 1699-1700, chap. 3, § 2; 1740-41, chap. 13, § 1],	Apr. 7,	-	- -
1093	Chapter 20. An act in supplement of an act, entitled "An act in addition to an act made to prevent the destruction of the fish called alewives, and other fish" [1741-42, chap. 16],	Apr. 23,	-	- -



*List of the Public Acts—Concluded.*

Page.	TITLES.	Date of Passage.	Disallowed by Privy Council.	Expired or had its effect.
	<b>1741-42.—FIFTH SESSION—Con.</b>	<b>1742.</b>		
1093	Chapter 21. An act to enable the trustees appointed in his majesty's high court of chancery to purchase houses or lands, and improve the same, for perpetuating the charity of the Honourable Edward Hopkins, Esqr., more effectually to secure the interest of their several tenants, in possession of their Hopkin[s]ton and Upton lands, and the revenue[s] of those lands, to the college and grammar school at Cambridge, according to the true intent of all parties, at the first settlement of that town, . . . . .			
1095	Chapter 22. An act to limit and direct in suing out executions upon judgments of courts, . . . . .	Apr. 12,	- .	- -
1095	Chapter 23. An act for encouraging the killing of wolves, bears, wildcats and catamounts, within this province [1736-37, chaps. 23 and 24], . . . . .	Apr. 9,	-	- -
1097	Chapter 24. An act for granting unto his majesty several rates and duties of impost and tunnage of shipping, . . . . .	Apr. 23,	-	Apr. 24, 1745
		Apr. 23,	-	Apr. 23, 1743.

LIST OF PUBLIC ACTS THE TITLES OF WHICH, ONLY, ARE GIVEN IN THIS VOLUME.

234	Chapter 7. An Act to enable the town of Oxford to levy a tax on the resident and non-resident proprietors towards building their meeting-house, . . . . .	1721-22.		
		Mar. 22.	-	- -

## LIST OF THE TITLES OF PRIVATE ACTS.

Page.	TITLES.	Date of Passage.	Disallowed by Privy Council.
	<b>1716-17.—FIRST SESSION.</b>	1716.	
66	An Act for change or alteration of the Sirname of Spencer Bennet, alias Phips, of Cambridge, Esq <sup>r</sup> .	June 23,	-
	<b>1717-18.—SECOND SESSION.</b>	1717.	
93	An Act for taking of the Entail and Vesting the Fee-Simple of certain Lands in Scituate, in Thomas Briant for an Equivalent proposed for Joseph Briant to whom the said Lands were given in Tail, .	Nov. 20,	-
93	An Act enabling William Read to bring forward his Appeal from the sessions of the Peace in Middlesex to the Superiour Court of Judicature to be held in Charlestown for the County of Middlesex, .	Nov. 20,	-
	<b>THIRD SESSION.</b>		
93	An Act Impowring the Judge of Probate to allow a Divisional Agreement made between the Children & Heirs of Edward Denison late of Roxbury Yeoman dece'd, .	Nov. 21,	-
93	An Act Enabling John Porter to bring forward an appeal to the Superiour Court to be held in May next in the County of Essex, .	Nov. 21,	-
	<b>1718-19.—FIRST SESSION.</b>	1718.	
123	An Act for the Reviving a Bill filed by Richard and Hephzibah Coomes in His Majesty's Superiour Court of Judicature & <sup>as</sup> for their Right or Equity of Redemption of a Mortgage made by Joseph Newell their Father, of his Farm and Land in Roxbury in the County of Suffolk to Florence Maccarty late of Boston, Victualler, deceased, .	June 19,	-
123	An Act to enable Thomas Harvy of Taunton in the County of Bristol, Yeoman, to bring forward his Appeal at the Superiour Court next to be holden at Bristol, within and for the County of Bristol from a Judgement of the Inferiour Court of Common Pleas held at Bristol the second Tuesday of April 1717, in a Plea of Trespass originally commenced by John Godfrey and Joanna his Wife against James Paul, .	June 25,	-
123	An Act to enable Samuel Fish of Falmouth in the County of Barnstable to file Reasons of Appeal anew and prosecute his appeal to the Superiour Court of Judicature Court of Assize and General Goal Delivery next to be holden at Plymouth for the Counties of Plymouth, Barnstable & <sup>as</sup> In a Cause between the said Samuel Fish appellant and our Sovereign Lord the King Appellee, .	June 28,	-
123	An Act to Enable Richard Carr & James Carr of Newbury to bring forward their Appeal at the Superiour Court next to be holden at Salem within and for the County of Essex from a Judgement of the Inferiour Court of Common Pleas held at Newbury for the county of Essex on the last tuesday in September 1717, in an Action of Trespass upon the Case commenced against Edward Sergeant of Newbury, .	June 28,	-
123	An Act to enable Mary Evans, Wife of Jonathan Evans late of Boston now of Fyall, Merchant, to mortgage part of Her Estate in Housing and Land which appertain and belong unto her in right of her Father Rob <sup>t</sup> Bronsdon late of said Boston, Merchant, deceased, .	July 3,	-
	<b>SECOND SESSION.</b>		
123	An Act to Enable Joseph Buckminster, Benjamin Bridges and Jonas Eaton in Behalf of the Town of Framingham to bring forward an Appeal which failed through a Defect in Reasons of Appeal filed by the said Joseph Buckminster, Benjamin Bridges & Jonas Eaton in Behalf of the said Town, .	Nov. 14,	-

*List of the Private Acts—Continued.*

Page.	TITLES.	Date of Passage.	Disallowed by Privy Council.
<b>1719-20.—FIRST SESSION.</b>		<b>1719.</b>	
158	An Act to Enable Daniel Bartlett of Mendon to bring forward an Action of the Case between Nathaniel and Timothy Halloway of Taunton & the said Bartlett at the Superiour Court next to be Holden at Bristol within & for the County of Bristol, . . . . .	June 29,	-
<b>SECOND SESSION.</b>			
158	An Act to Enable Christopher Taylour of Boston to bring forward a new Tryal by Reviewing a Cause between the Executors of James Taylour Dec <sup>d</sup> and the said Christopher Taylour at the next Inferiour Court of Common Pleas to be held at Boston within the County of Suffolk, . . . . .	Nov. 19,	-
158	An Act to Enable John Barrell of Boston to make sale of two several Tenements situated in Cornhill Street Boston to discharge a Mortgage by him & his late Wife made thereon, . . . . .	Dec. 8,	-
<b>1720-21.—FIRST SESSION.</b>		<b>1720.</b>	
195	An Act Enabling Elizabeth Carder, Widdow to Comence an Action at Common Law in an Authentick Copy of a certain Bond entered into by Anthony Haywood of Boston Merchant deceased, on the Seventh day of August One Thousand Six Hundred & Eighty Eight in the penal Sum of Two Hundred and Forty pounds Condition for the payment of One Hundred and Twenty Pounds with Interest unto Elizabeth Lemon since deceased, . . . . .	July 23,	-
<b>SECOND SESSION.</b>			
195	An Act to Enable Richard Ireson of Marblehead in the County of Essex Cordwainer to file Reasons of Appeal in the Clerks Office of the Inferiour Court within the County of Essex in a Case lately depending between him & Edward Wilkinson of Boston in the County of Suffolk, Coaster, . . . . .	Nov. 19,	-
195	An Act to Enable Simon Stephen of Eastham in the County of Barnstable Indian Labourer to prosecute an Appeal in a Cause lately depending between him & his Brother Stephen Mortaquit alias Stephen Stephen & one Peter Dogamus as Appellants against Thomas Nickerson jun <sup>r</sup> of Chatham in the County aforesaid Labourer, Appellee, . . . . .	Nov. 22,	-
195	An Act to Enable Jonathan Page of Groton in the County of Middlesex Husband Man to prosecute an Appeal between him & Nathaniel Sparhawk of Cambridge & Simon Gates of Marlborough in the said County of Middlesex Administrators to the Estate of Stephen Gates, Sen <sup>r</sup> , Dec <sup>d</sup> & to file Reasons of Appeal in the said Cause in the Clerks Office of the Inferiour Court of Common Pleas within the County of Middlesex, . . . . .	Nov. 28,	-
195	An Act to Enable Ebenezer Newell of Roxbury in the County of Suffolk Husband Man to enter & prosecute his Appeal by him made from a Judgement given against him at the Court of General Sessions of the Peace holden at Boston for the County of Suffolk on the fifth day of April last at the Court of Assize & General Goal Delivery to be holden at Boston for the said County of Suffolk in the first Tuesday of May next, . . . . .	Dec. 6,	-
195	An Act to Enable William Taylour of Lyn in the County of Essex, Gentleman, as he is Administrator to the Estate of Rebecca Taylour, late of Lyn aforesaid Widow dec <sup>d</sup> to Enter two sev <sup>l</sup> Actions at the next Inferiour Court of Common Pleas to be held for the County of Suffolk on the first Tuesday of January next, against Christopher Taylour of Boston in the said County of Suffolk Mariner So that he may proceed to Tryal thereof in Order to recover Judgem <sup>t</sup> for two sev <sup>l</sup> Sums the one of Thirteen Pounds six Shillings & eight Pence & the other of Twenty nine Pounds, three Shillings & four Pence against the said Christopher Taylour for so much due to the said Rebecca Taylour in her Life Time for Rent, . . . . .	Dec. 9,	-

*List of the Private Acts—Continued.*

Page.	TITLES.	Date of Passage.	Disallowed by Privy Council.
	<b>1720-21.—SECOND SESSION.—Con.</b>	1720.	
195	An Act to Enable Samuel Banister of Boston Merch <sup>t</sup> as he is Administr <sup>r</sup> of all & singular the Goods & Chattels, Rights & Credits of Thomas Banister late of Boston afores <sup>d</sup> Merch <sup>t</sup> Dec <sup>d</sup> intestate to prosecute an Appeal between him in his said Capacity & Coll. Edmund Goffe of Cambridge in the County of Middlesex Esq <sup>r</sup> and to file Reasons of Appeal in the Cause in the Clerks Office of the Inferiour Court of Common Pleas within the County of Middlesex.	Dec. 16,	-
	<b>THIRD SESSION.</b>	1721.	
195	An Act to Enable James Dike of Gloucester in the County of Essex to Prosecute an Appeal from a Judgement given against him by Epes Sargeant Esq <sup>r</sup> one of his Majesties Justices of the Peace for the said County in a Cause lately depending before the s <sup>d</sup> Justice between the said James Dike & James Sawyer aforesaid,	Mar. 25,	-
195	An Act to Revive an Act entitled An Act to Enable William Taylour of Lynn in the County of Essex Gentleman as he is Administrator to the Estate of Rebecca Taylour late of Lynn aforesaid Widow Dec <sup>d</sup> to Enter two several Actions at the Superiour Court of Common Pleas held for the County of Suffolk on the first Tuesday in January 1720 against Christopher Taylour of Boston in the said County of Suffolk Mariner so that he might proceed to Tryal thereof in Order to Recover Judgement for two several Sums the One of Thirteen Pounds six Shillings & eight Pence And the other of Twenty nine Pounds, three Shillings & four Pence against the said Christopher Taylour for so much due to the said Rebecca Taylour in her Life Time for Rent Which s <sup>d</sup> . Act was passed at the Session held the second of November 1720,	Mar. 29,	-
	<b>1721.—FIRST SESSION.</b>	1721.	
217	An Act to Enable Mary Sergeant Reliet Widow & Administratrix of Thomas Sergeant late of Amesbury Dec <sup>d</sup> intestate to sell & dispose of Eighteen Acres of Land being Part of a Tract of Forty Acres under Mortgage to the Commissioners of the Hundred Thousand Pounds Loan for the Use of this Province conformable to a Contract made by the said Dec <sup>d</sup> some short Time before his Death,	June 16,	-
217	An Act to Enable William Man of Boston in the County of Suffolk Brasier to bring forward an Action or Writt of Review of a Plea of the Case (by him commenced against one John Guy of Brentford in the Colony of Connecticut Taylour at an Inferiour Court of Common Pleas held at Boston on the first Tuesday of July last) at the Inferiour Court of Common Pleas to be holden at Boston for y <sup>e</sup> County of Suffolke either on the first Tuesday of July next or the first Tuesday of October next,	June 16,	-
218	An Act for the Reliefe of Gyles Dyer Gentlem <sup>n</sup> Against a Judgment Obtain'd against him by John Barnard, Merch <sup>t</sup> ,	June 29,	-
	<b>1721-22.—THIRD SESSION</b>	1721-22.	
234	An Act to Enable Daniel Oliver & William Welsted Esq <sup>rs</sup> Executors of the last Will & Testament of Grove Hirst late of Boston Esq <sup>r</sup> Dec <sup>d</sup> & Guardian to his Children, to sell some Part of the said Deceaseds Estate,	Mar. 22,	-
234	An Act to Enable Margaret Wrightington of Newport on Rhoad Island Widow to alienate several Lots of Land in the Township of Little Compton in the County of Bristol,	Mar. 24,	-
234	An Act to Enable Hugh Hall jun <sup>r</sup> to Redeem the Estate of his late Grand father Benjamin Gibbs Dec <sup>d</sup> in Boston situate in Hanover street,	Mar. 24,	-

*List of the Private Acts—Continued.*

Page.	TITLES.	Date of Passage.	Disallowed by Privy Council.
<b>1722-23.—FIRST SESSION.</b>		<b>1722.</b>	
267	An Act to Enable Edward Jackson of Newton in the County of Middlesex Farmer to file Reasons of Appeal from the Decree or Sentence of the Hon <sup>ble</sup> Francis Foxcroft Esq <sup>r</sup> Judge of Probates for the County of Middlesex passed on the fifth of February 1721, Relating to the Administration of the Estate of Jonathan Jackson (supposed to be dead) which was granted to Sarah Jackson Mother & Joseph Jackson Brother of the said Jonathan Jackson,	June 19,	-
267	An Act to Enable Thomas Smith of Ipswich in the County of Essex Inholder to Review an Action brought against him by William Baker of Boston in the County of Suffolk Baker Administrator to the estate of Nathaniel Baker late of said Boston Baker Deceased,	June 19,	-
<b>THIRD SESSION.</b>			
267	An Act for Confirming three Acres of Upland and Meadow Scituate in Beverly unto Sarah Patch One of the Daughters & Coheirs of John Patch late of Beverly aforesaid, Dec <sup>d</sup> Intestate,	Dec. 15,	-
267	An Act in Addition to and Explanation of a Private Act Intituled An Act to enable Hugh Hall Jun <sup>r</sup> to redeem the Estate of His late Grandfather Ben <sup>a</sup> Gibbs Dec <sup>d</sup> scituate in Boston in Hanover Street passed at a session of y <sup>e</sup> Gen <sup>l</sup> Assembly held at Cambridge by [a*]djo[nurnm*] March 24 1721,	1722-23. Jan. 16,	-
267	An Act Enabling John Usher Esq <sup>r</sup> to prosecute an Appeal at the Next Superi <sup>r</sup> Court to be Held for the County of Middlesex at the Suit of John Foye Esq <sup>r</sup> ,	Jan. 18,	-
267	An Act for the enabling Jonathan Blake, George Sumner, William Sumner and Edward Sumner to have a New Tryal upon a Presentment or Indictment found against them by the Grand Jury for the County of Suffolk at a Court of Assize held for the said County at Boston, on the first Tuesday of November 1719,	Jan. 18,	-
<b>1723-24.—FIRST SESSION.</b>		<b>1723.</b>	
309	An Act to Enable Nicholas Moorecock to file his Complaint at his Maj <sup>ty</sup> s Superiour Court of Judicature held at Boston within and for the County of Suffolk for Confirming a Judgement of an Inferiour Court of Common pleas held at Boston on the first Tuesday of July 1722, obtained against Elizabeth Davis,	June 5,	-
<b>SECOND SESSION.</b>			
309	An Act to Enable Caleb Spurrier of London Merchant late Resident in Portsmouth in his Majesties Province of New-Hampshire, to Review an Action (originally brought by him against John Butler of George Town in the County of York Inn-holder) at the next Superiour Court of Judicature to be holden for the County of York,	Aug. 24,	-
309	An Act to Enable Bartholomew Jackson of Marblehead in the County of Essex, Physician to file Reasons & prosecute his Appeal at the next Superiour Court of Judicature to be holden at Salem for the County of Essex on the last Tuesday in October next from a Judgement of an Inferiour Court of Common Pleas holden at Salem in the County of Essex on the last Tuesday of December last past, obtained against him by Nicholas Andrews & Mary his Wife as they were Administrators <i>de Bonis non</i> to the Estate of Samuel Reed late of Marblehead Dec <sup>d</sup> ,	Aug. 24,	-
309	An Act for Enabling Patience Copp of Boston in the County of Suffolk Widow, as she is Guardian to Charles Short & Katherine Short Minors under the Age of Twenty one Years to Make Sale of the Right & Interest of the said Minors in a Piece of Land and Flatts in the South End of Boston,	Aug. 28,	-
309	An Act to Enable the Justices of his Majesties Superiour Court of Judicature to Chaunce a Judgement recovered by Nathaniel & Timothy Halloway against Jared Talbot Esq <sup>r</sup> ,	Aug. 30,	-



*List of the Private Acts—Concluded.*

Page.	TITLES.	Date of Passage.	Disallowed by Privy Council.
<b>1723-24.—THIRD SESSION.</b>		<b>1723.</b>	
309	An Act for the Confirming & more sure Making to Samuel Brown of Rowley in the County of Essex Husband Man & to his Heirs for Ever certain Housings & Lands within the Towns of Rowley & Bradford granted to him by his Father John Brown late of said Rowley Yeoman Dec <sup>l</sup> .	Dec. 16,	-
309	An Act to Enable Francis Moore of [Bos*]ton Carpenter Guardian of William Cook a Minor [Son of*] William Cook late of said Boston Mariner & Lydia his Wife [both*] Deceased Intestate to sell their Part of a certain House Land in Boston.	Dec. 20,	-
309	An Act in Addition to a private Act Entituled An Act to Enable Bartholomew Jackson of Marblehead in the County of Essex Physician to file Reasons & prosecute his Appeal at the next Superiour Court of Judicature to be holden at Salem for the County of Essex on the last Tuesday of October next from a Judgem <sup>t</sup> of an Inferiour Court of Common Pleas holden at Salem in the County of Essex on the last Tuesday of December last past obtained against him by Nicholas Andrews & Mary his Wife as they were Administrators <i>de Bonis non</i> &c. to the Estate of Samuel Read late of Marblehead Dec <sup>l</sup> .	Dec. 20,	-
309	An Act to Enable Isaac Little of Marshfield in the County of Plymouth, Esq <sup>r</sup> to bring forward a further Writ of [Re*]view against Joseph Mallinson [of Bo*]ston in the County of Suffolk Merchant [at t*]he Superiour Court of Judicature to be holden at plymouth [on*] the last Tuesday of April next of a Judgment of the Superiour Court holden at Plymouth on the last Tuesday of April last and for a New Tryall of the Said Cause.	Dec. 23,	-
309	An Act to Enable Cpt. Josiah Winslow, & his son Josiah Winslow & Elisha Blackman to Contest in the Law at the next Superiour Court of Judicature to be holden at Bristol within & for the County of [Bristo*]l the Validity of a Rule of Court by them enter'd into, the Award of the [Referee*]s & the Judgement of the s <sup>d</sup> Court thereupon.	Dec. 24,	-
310	An Act to Revive the Appeal of Benjamin Blackstone and George Felt,	Dec. 24,	-
310	An Act for Taking off the Entail upon certain Estates in the County of Essex late the Estates of Nathaniel Saltonstall of Haverhill in said County Esq <sup>r</sup> Dec <sup>d</sup> Which he was seized of as Tenant in Tail,	Dec. 24,	-

\* The parchment is mutilated by mice.

## RESOLVES.

Page.	ACTS RELATING TO THE GENERAL SUBJECT-MATTER.		SUBJECT OF THE RESOLVE.	DATE.
	Year.	Chapter.		
32	1715-16,	4, . . .	Resolve granting £50 for the pay of the light-house keeper and authorizing the committee to procure a keeper,	June 25, 1718.
32	1715-16,	4, . . .	Resolve granting £70 to John Hayes, light-house keeper,	Nov. 22, 1720.
33	1715-16,	5, . . .	Resolve that the office of register of deeds for the county of Middlesex be forthwith opened and kept in Cambridge, and ratifying the records of deeds previously made in Charles-town,	June 14, 1717.
33	1715-16,	8, § 15, .	Resolve, or order, that tonnage duties are not to be paid by owners who are inhabitants of this province,	July 30, 1715.
34	-	-	Resolve for emitting £4,000 in bills of public credit; and for granting a tax of £4,000,	Aug. 25, 1715.
35	-	-	Resolve for emitting £4,000 in bills of public credit; and for granting a tax of £4,000,	Dec. 21, 1715.
68	1716-17,	7, . . .	Resolve submitting to the attorney-general the question whether the charter prohibits the general court from establishing the fees of the court of admiralty here; and accepting his opinion thereupon given,	June 23, 1716.
69	1716-17,	11, . . .	Resolve directing and empowering the commissioner of impost to administer an oath to all persons before entry,	Nov. 29, 1716.
70	-	-	Resolve for making and emitting £5,000 in bills of public credit; and for granting a tax of £5,000,	June 23, 1716.
70	-	-	Resolve for emitting £6,000 in bills of public credit; and for granting a tax of £6,000,	Dec. 3, 1716.
96	-	-	Resolve for emitting £3,000 in bills of public credit; and for granting a tax of £3,000,	June 20, 1717.
96	-	-	Resolve for emitting £6,000 in bills of public credit; and for granting a tax of £6,000,	Nov. 18, 1717.
130	-	-	Resolve for emitting £6,000 in bills of public credit; and for granting a tax of £6,000,	July 3, 1718.
130	-	-	Resolve for calling in £7,000 granted in 1714, before Dec. 1718; and for granting a tax of £13,250 to supply deficiencies in the fund,	July 4, 1718.
131	-	-	Resolve for emitting £5,000 in bills of public credit; and for granting a tax of £5,000,	Dec. 2, 1718.
161	-	-	Resolve for emitting £5,000 in bills of public credit; and for granting a tax of £5,000,	June 30, 1719.
162	-	-	Resolve for making and emitting £2,000, and for emitting £8,000 more in bills of public credit; and for granting a tax of £10,000,	Dec. 1, 1719.
199	-	-	Resolve for emitting £5,000 in bills of public credit; and for granting a tax of £5,000,	July 22, 1720.
199	-	-	Resolve for emitting £10,000 in bills of public credit; and for granting a tax of £10,000,	Dec. 10, 1720.
218	1721,	1, . . .	Resolve that the several clerks of the courts transmit to the Treasurer the bonds of Commissioners of excise; also requiring the clerk for York County to transmit the bond of Joseph Curfiss, late Commissioner, or render a reason for omitting to take bond of him,	June 27, 1721.
219	1721,	1, . . .	Resolve requiring clerks of courts annually to deliver to the commissioner of excise lists of all persons licensed,	July 4, 1721.
219	1721,	1, . . .	Resolve authorizing the justices of the general sessions to renew licenses to persons who have forfeited them by not giving bond within ten days, &c.,	Sept. 4, 1721.
219	1721,	4, . . .	Resolve limiting the tax to £6,000,	June 20, 1721.

# DECLARATORY RESOLVES.

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## List of the Resolves — Concluded.

Page.	ACTS RELATING TO THE GENERAL SUBJECT-MATTER.		SUBJECT OF THE RESOLVE.	DATE.
	Year.	Chapter.		
221	1721,	-	Resolve for emitting £5,000 in bills of public credit,	July 6, 1721.
234	1721-22,	1, § 1,	Resolve giving colonels &c. power to despatch orders of the commander-in-chief by the troopers,	Aug. 14, 1722.
236	-	-	Resolve for emitting £12,000 in bills of public credit,	Mar. 22, 1721-22.
269	1722-23,	7, . . .	Resolve requiring the appointment of deputy receivers of impost in the ports therein named,	June 30, 1722.
278	-	-	Resolve for emitting £12,000, in bills of public credit,	July 3, 1722.
279	-	-	Resolve for emitting £13,000, in bills of public credit,	Jan. 14, 1722-23.
279	-	-	Resolve for emitting £20,000, in bills of public credit,	Jan. 18, 1722-23.
314	-	-	Resolve for emitting £20,000, in bills of public credit,	Dec. 27, 1723.
343	-	-	Resolve for emitting £25,000, in bills of public credit,	June 13, 1724.
343	-	-	Resolve for emitting £30,000, in bills of public credit,	Dec. 11, 1724.
375	-	-	Resolve for emitting £40,000, in bills of public credit,	June 16, 1725.
375	-	-	Resolve for emitting £30,000, in bills of public credit,	Nov. 30, 1725.
410	-	-	Resolve for emitting £20,000, in bills of public credit,	June 16, 1726.
411	-	-	Resolve for emitting £5,000, in bills of public credit,	Dec. 17, 1726.
450	-	-	Resolve for emitting £16,000, in bills of public credit,	June 29, 1727.
486	-	-	Resolve for making £20,000, in bills of public credit,	Feb. 21, 1727-28.
487	-	-	Resolve for emitting £12,000, in bills of public credit,	Jan. 13, 1727-28.
487	-	-	Resolve for making £10,000, in bills of public credit,	June 13, 1728.
523	-	-	Resolve for emitting £16,000, in bills of public credit,	June 14, 1728.
524	-	-	Resolve for emitting £20,000, in bills of public credit,	Aug. 28, 1728.
545	-	-	Resolve for emitting £20,000, in bills of public credit,	Sept. 24, 1729.

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32	1715-16,	5, . . .	Resolve declaring that a plurality of votes is sufficient in the election of register of deeds,	June 20, 1716.
33	1715-16,	5, . . .	Resolve declaring that Cambridge, and not Charlestown, is the shire town of Middlesex county,	June 13, 1717.
70	1716-17,	18, § 1,	Resolve, declaring that the commissioners of the £100,000 loan may let out bills upon personal security,	Nov. 20, 1717.
218	1721,	1, . . .	Resolve prescribing the form of the bond of commissioners of excise,	June 27, 1721.
449	1727,	16, . . .	Resolve declaring that executions issued before the news of the demise of the crown, and not yet served, are in force and may be served without alteration,	Aug. 30, 1727.
668	1732-33,	7, . . .	Resolve declaring the law relating to the release of poor prisoners for debt,	Dec. 14, 1734.

## VOTES AND ORDERS.

33	1715-16,	11, . . .	Order establishing the form of the preamble of this act, and directing the bill to be drawn accordingly,	July 29, 1715.
33	1715-16,	11, . . .	Order appropriating the interest of the £50,000 loan, to supply the deficiency in the funds formerly established to redeem the £22,000, granted by this act,	June 11, 1716.
66	1716-17,	1, . . .	Vote establishing the rate of excise for this year, and directing that an act be drawn accordingly,	June 12, 1716.
66	1716-17,	3, . . .	Vote dismissing, as vexatious, the petition of Adam Cogswell of Ipswich praying for an interpretation of this act, and of chapter 10 of the acts of 1696,	June 10, 1719.
69	1716-17,	18, . . .	Order establishing the denomination of bills of credit this year directed to be made; and substituting Adam Winthrop for Samuel Sewall on the committee,	June 23, 1716.
69	1716-17,	18, . . .	Order requiring the Committee that made the last bills to make £100,000 more of the same; and to deliver them to the Commissioners in instalments of £25,000,	Dec. 4, 1716.
69	1716-17,	18, . . .	Order nominating list of commissioners for the loan,	Dec. 4, 1716.

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94	1717-18,	7, . . .	Vote fixing £11,000 as the amount to be collected this year of the bills issued in 1711 & 1712, and establishing a fund for their redemption, . . .	June 17, 1717.
95	1717-18,	14, . . .	Vote fixing the site of a hospital and appropriating a sum for erecting the buildings, . . .	Nov. 23, 1716.
95	1717-18.	14, . . .	Order appointing a committee to select a more suitable place for a hospital (and see other votes on same subject, p. 95), . . .	Apr. 11, 1717.
125	1718-19,	5, . . .	Vote establishing a standard head of hemp, . . .	Nov. 30, 1720.
125	1718-19,	8, . . .	Vote approving of expedients for raising the value of bills of credit, . . .	June 15, 1718.
126	1718-19,	8, . . .	Order referring the accounts of the commissioners of the £100,000 loan to the next general court &c., . . .	Dec. 3, 1718.
129	1718-19,	13, . . .	Vote for raising £8,250 &c., . . .	July 3, 1718.
129	1718-19,	15, . . .	Order extending the time for exchanging bills of credit, . . .	Nov. 14, 1718.
130	1718-19,	15, . . .	Votes respecting the making and emitting £15,000 in bills of public credit, . . .	Nov. 20-25, 1718.
161	1719-20,	6, . . .	Vote for raising £4,000 to supply deficiency, . . .	June 27, 1719.
197	1720-21,	4, . . .	Vote for a tax of £6,000 only, . . .	July 20, 1720.
197	1720-21,	12, . . .	Vote empowering Samuel Gerrish, Register of Deeds for Suffolk County, to attest back records, . . .	Apr. 12, 1735.
197	1720-21,	12, . . .	Vote empowering Ezekiel Goldthwait, Register of Deeds for Suffolk County, to records and attest deeds found in his office, . . .	July 21, 1741.
198	1720-21,	14, . . .	Orders respecting the making and emitting £50,000 in bills of public credit, . . .	Mar. 31 and Sept. 7, 1721.
219	1721,	3, . . .	Orders continuing terms of courts in Suffolk and Middlesex on account of the small-pox, . . .	Nov. 16, 1721.
237	-	-	Order permitting inhabitants &c. to pay their taxes in merchantable commodities, . . .	Mar. 22, 1721-22.
268	1722-23,	1, . . .	Order that a premium, on certificate of surveyors of canvas, be paid to Jonathan Smith of Hadley after the expiration of the law, . . .	June 3, 1743.
409	1726-27,	8, . . .	Order fixing the boundaries of Kingston, . . .	June 2, 1726.
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1104	1741-42,	12, . . .	Order fixing relative rates in which bills of the old and new tenor, respectively, should be received by public officers, . . .	Apr. 16, 1742.
1104	1741-42,	13, . . .	Votes relating to the outfit, &c., of the province snow "The Prince of Orange," . . .	July 11, 1740, to Apr. 1, 1741.

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